



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE., NW
WASHINGTON, DC 20004

DATE: JANUARY 26, 2018

PREPARED BY: (b) (6), (b) (7)(C)

CASE #: OI-HQ-2016-ADM-0075

CROSS REFERENCE #:

TITLE: OFFICE OF CIVIL RIGHTS MISMANAGEMENT OF
[TITLE VI COMPLAINTS@EPA.GOV](mailto:Title_VI_Complaints@epa.gov) WEB-BASED COMPLAINT MAILBOX

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	

VIOLATION(S):

1. 18 U.S.C. § 1001 – False statements
2. 40 CFR § 7.120 – Nondiscrimination in Programs Receiving Federal Assistance from the Environmental Protection Agency, Complaint Investigations.
3. EPA ORDER 3120.1 – Appendix-Guidance on Corrective Discipline: (7) Conduct which is generally criminal, infamous, dishonest, immoral or notoriously disgraceful; (22) Negligent performance of duties.
4. EPA Order 4701: Title VI Case Management Protocol.

ALLEGATION:

On April 12, 2016, the Office of Professional Responsibility (OPR), Office of Investigations (OI), Office of Inspector General (OIG), U.S. Environmental Protection Agency (EPA), received an EPA OIG Hotline complaint reporting potential employee misconduct and mismanagement regarding the Title VI electronic mailbox (e-mail account) of the Office of Civil Rights (OCR), Office of the Administrator (OA), EPA, ([Title VI Complaints@epa.gov](mailto:Title_VI_Complaints@epa.gov)). The complainant, who requested confidentiality, also alleged that management officials in the OCR falsified records, attempted to “cover-up” information related to a Flint, Michigan resident who submitted a civil rights complaint to the OCR Title VI e-mail account, and failed to inform the EPA Administrator of the complaints they received related to contamination in Flint, Michigan’s water system when queried for input for the Administrator’s Congressional testimony.

Based on information developed during the course of this investigation, the OIG identified that the potential employee misconduct and mismanagement of the OCR Title VI e-mail account¹

¹ This investigation only focused on correspondence the OCR received via its OCR Title VI e-mail account ([Title VI Complaints@epa.gov](mailto:Title_VI_Complaints@epa.gov)). The OCR External Compliance and Complaints Program (Title VI) accepts

occurred from June 2014 to July 2015. As a result, the following (b) (6), (b) (7)(C) were investigated:

- (b) (6), (b) (7)(C) EPA (b) (6), (b) (7)(C)
- (b) (6), (b) (7)(C) EPA (b) (6), (b) (7)(C)

The allegations of misconduct alleged to have been specifically committed by (b) (6), (b) (7)(C) were reported in separate ROIs (OI-HQ-2017-ADM-0082 and OI-HQ-2017-ADM-0083).

Based upon the foregoing information, as well as additional information independently obtained during the course of the investigation, the OIG identified and investigated the following allegations related to the OCR:

1. The OCR failed to monitor the OCR Title VI e-mail account (Title_VI_Complaints@epa.gov) from approximately June 2014 to July 2015.
2. The OCR failed to comply with 40 CFR § 7.120(c) by not acknowledging email complaints received by the OCR from June 2014 to July 2015 within five (5) days of receipt.
3. The OCR issued an acknowledgment letter to (b) (6), (b) (7)(C) a complainant who e-mailed the OCR Title VI e-mail account, stating that OCR received (b) (6), (b) (7)(C) e-mailed complaint on (b) (6), (b) (7)(C) e-mail to the OCR was sent on (b) (6), (b) (7)(C).
4. The OCR failed to inform the EPA Administrator of the complaints they received in 2015 related to contamination in Flint, Michigan's water system, when queried for input for the Administrator's congressional testimony.

FINDINGS:

Based on information obtained during the investigation, allegations one (1) through three (3) were supported; allegation four (4) was not supported.

DISPOSITION:

During the review of the related case OI-HQ-2016-ADM-0075, both the Civil Division and Civil Rights Division, Department of Justice, Washington DC, reviewed all the facts related to the allegations concerning (b) (6), (b) (7)(C). On August 25, 2016, the Civil

complaints via U.S. mail or fax and can be contacted via telephone for assistance (<https://www.epa.gov/sites/production/files/2016-09/documents/how-to-file-a-complaint-of-discrimination-brochure.pdf>).

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Division declined civil action based on (b) (7)(E), (b) (5). On August 29, 2016, the Civil Rights Division declined prosecution based on (b) (6), (b) (7)(C), (b) (5), (b) (7)(E) [REDACTED]. In addition, on December 19, 2016, the Fraud and Public Corruption Division, United States Attorney's Office for the District of Columbia, declined prosecution for potential violations of 18 U.S.C. § 1001, 18 U.S.C. § 1016 and 18 U.S.C. § 1038 (b) (6), (b) (7)(C). As a result, this was purely an administrative investigation.

On (b) (6), (b) (7)(C) 2017, (b) (6), (b) (7)(C) retired from federal service, therefore no administrative action was taken by the EPA.

On (b) (6), (b) (7)(C), 2017, (b) (6), (b) (7)(C) issued a Letter of Counsel to (b) (6), (b) (7)(C)

Based upon the foregoing, there are no further investigative steps to be taken and this case is recommended for closure.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

DATE: APRIL 18, 2018

PREPARED BY: (b) (6), (b) (7)(C)

CASE #: OI-HQ-2016-CAC-0049

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C) : US CITIZEN LAS VEGAS AREA

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON, DC	

VIOLATION(S): 18 USC § 2261A - Stalking

ALLEGATION: This investigation was initiated after receiving a Request for Information Bulletin (RFIB) from the United States Capitol Police (USCP), regarding numerous vile and vulgar letters mailed to a US Senator, allegedly from the same sender. Regina McCarthy (McCarthy), Administer, EPA has received similar letters.

FINDINGS: Special Agent (SA) (b) (6), (b) (7)(C) Environmental Protection Agency (EPA), opened a joint investigation with the USCP (b) (6), (b) (7)(C), (b) (7)(E) (b) (6), (b) (7)(E) was identified as the sender and admitted to sending the letters in an interview. (b) (6), (b) (7)(E) verbally promised to cease and desist sending (b) (6), (b) (7) mailings.

DISPOSITION: The case was presented to the United States Attorney's Office – District of Nevada (USAO – NV) who declined prosecution. Based upon the aforementioned, there are no remaining investigative steps and this investigation is recommended for closure with no further action. Should new information become available, the EPA-OIG retains the right to re-open the investigation.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVENUE, NW
WASHINGTON DC 20004

DATE: NOVEMBER 29, 2017

PREPARED BY: SA (b) (6), (b) (7)(C) AND
SA (b) (6), (b) (7)(C)

CASE #: OI-HQ-2017-ADM-0116

CROSS REFERENCE #: OI-HQ-2016-ADM-0063

TITLE: (b) (6), (b) (7)(C); SES, (b) (6), (b) (7)(C)

CASE SUMMARY REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON, DC	N/A

COMPLAINT: The following investigations were predicated upon two separate complaints regarding (b) (6), (b) (7)(C) Environmental Protection Agency (EPA), that were referred to the EPA Office of Inspector General (OIG) on April 20, 2016 and October 24, 2016.

On April 20, 2016, the OIG Hotline received a complaint on behalf of (b) (6), (b) (7)(C) senior management officials which alleged erratic time and attendance by (b) (6), (b) (7)(C) and revealed an instance in which, (b) (6), (b) (7)(C) failed to attend a conference while on official government travel.

On October 24, 2016, the OIG Hotline received a complaint from (b) (6), (b) (7)(C) alleging (b) (6), (b) (7)(C) abuse, prostitution and drug use by (b) (6), (b) (7)(C).

INVESTIGATIVE FINDINGS: In reference to the two received complaints and information developed during the course of the investigation, the OIG identified three allegations to pursue. (1) During the period of time from approximately July 19, 2016 to October 21, 2016, (b) (6), (b) (7)(C) was AWOL on multiple days while (b) (6), (b) (7)(C). There was sufficient evidence to support a finding that (b) (6), (b) (7)(C) was AWOL for 18 days. (2) (b) (6), (b) (7)(C) used a controlled substance, violating the provisions of the Federal Free Workplace Program. In coordination with Labor and Employee Relations, Agents received the results of two urinalysis tests conducted after reasonable suspicion was developed that (b) (6), (b) (7)(C) was routinely using marijuana. This allegation was supported. (3) Lastly, from January 31, 2016 to February 5, 2016, (b) (6), (b) (7)(C) failed to attend a conference as part of (b) (6), (b) (7)(C) official duties and was considered AWOL. This allegation was investigated in a separate but related case, numbered OI-HQ-2016-ADM-0063. A review of records, receipts, credit card charges and several interviews did not support a finding that (b) (6), (b) (7)(C) was AWOL.

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On February 24, 2017, Agents were notified that (b) (6), (b) (7) (C) was presented with a Notice of Proposed Removal and a BAR notice.

On April 7, 2017, an OIG Final Summary Report was delivered to (b) (6), (b) (7) (C) Office of General Counsel, EPA and (b) (6), (b) (7) (C) EPA.

On June 8, 2017, Agents were notified of (b) (6), (b) (7) (C) intention to appeal (b) (6), (b) (7) (C) Notice of Proposed Removal to the Merit Systems Protection Board.

On October 18, 2017, Agents were notified of (b) (6), (b) (7) (C) intention to settle the Notice of Proposed Removal.

RECOMMENDATION: Based upon the aforementioned, there are no remaining investigative steps and this investigation is recommended for closure with no further action.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE., NW
WASHINGTON, DC 20004

FINAL SUMMARY REPORT

SUBJECT:

(b) (6), (b) (7)(C)

United States Environmental Protection Agency

FROM:

Patrick F. Sullivan
Assistant Inspector General for Investigations
Office of Investigations
Office of Inspector General
United States Environmental Protection Agency

TO:

(b) (6), (b) (7)(C)

United States Environmental Protection Agency
(With Attachments)

CC:

(b) (6), (b) (7)(C)

United States Environmental Protection Agency
(With Attachments)

This Final Summary Report provides the United States Environmental Protection Agency (EPA), Office of Inspector General's (OIG) investigative findings concerning the above referenced investigation. On February 9, 2017, I also provided the Office of General Counsel with a declaration detailing my evidentiary findings. This report includes a memorandum of activity, which includes the relevant investigative documents used in our review¹.

My office received two separate OIG hotline complaints concerning (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) EPA. The first complaint (case number: OI-HQ-2016-ADM-0063) was received on April 20, 2016, alleging (b) (6), (b) (7)(C) failed to attend a conference while on official government travel in

¹ Due to the large number of pages in the relevant attachments, the EPA OIG will provide a CD with digital copies contained within the attached memorandum of activity.

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(b) (6), (b) (7)(C) and instead was Absent Without Leave (AWOL). The second OIG Hotline complaint (cased number: OI-HQ-2017-ADM-0016) was received on October 24, 2016, alleging that (b) (6), (b) (7)(C) was "involved with drugs and prostitution" and had engaged in (b) (6), (b) (7)(C) abuse, on October 7, 2016, while at (b) (6), (b) (7)(C) apartment.²

Based on the two complaints received above, and information developed during the course of this investigation, my office identified the following three allegations to investigate: First, (b) (6), (b) (7)(C) during the period of time from approximately July 19, 2016 to October 21, 2016, was AWOL on multiple days while (b) (6), (b) (7)(C). Second, (b) (6), (b) (7)(C) used a controlled substance, violating the provisions of the Federal Drug-Free Workplace Program; and, third, from January 31, 2016 to February 5, 2016, (b) (6), (b) (7)(C) failed to attend a conference as part of (b) (6), (b) (7)(C) official EPA duties and was AWOL. Based upon our investigation, there is evidence sufficient to support a finding for allegations one and two; allegation three is unsupported.

Concerning allegation one, a review of (b) (6), (b) (7)(C) badge-in records compared to (b) (6), (b) (7)(C) time cards³ initially identified in excess of 30 days that it appeared (b) (6), (b) (7)(C) did not work at (b) (6), (b) (7)(C) yet (b) (6), (b) (7)(C) claimed regular work hours. A forensic review of (b) (6), (b) (7)(C) EPA issued phone, and EPA laptop identified approximately 18 days without work activity that (b) (6), (b) (7)(C) claimed 8 hours of regular work daily on (b) (6), (b) (7)(C) EPA time cards. Special Agents confirmed with (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) EPA, (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) had oversight for authorizing (b) (6), (b) (7)(C) telework and for the 18 days in question, where (b) (6), (b) (7)(C) was not at (b) (6), (b) (7)(C) had not authorized (b) (6), (b) (7)(C) to telework.

On November 1, 2016, Special Agents interviewed (b) (6), (b) (7)(C) who worked directly with (b) (6), (b) (7)(C) employees interviewed reported in varying terms that (b) (6), (b) (7)(C) was almost never at work and did not seem to contribute much (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C)

uninvolved." In total, the 18 days calculated that (b) (6), (b) (7)(C) was AWOL, amounted to approximately \$11,097.69⁴ of salary received. As such, based upon the foregoing, there is sufficient evidence to support a finding that (b) (6), (b) (7)(C) was AWOL for 18 days.

Concerning allegation two, on October 26, 2016, Special Agents interviewed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and involvement with

(b) (6), (b) (7)(C)

² This allegation was developed based on reports of a stabbing that occurred at (b) (6), (b) (7)(C) apartment in (b) (6), (b) (7)(C) on October 7, 2016. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

³ While detailed to (b) (6), (b) (7)(C) submitted (b) (6), (b) (7)(C) timecard to (b) (6), (b) (7)(C) who forwarded the timecard to the EPA.

⁴ This number was calculated by the OIG Office of Audit based upon data provided by the Office of Investigations.

(b) (6), (b) (7)(C)

On November 16, 2016, and again on December 5, 2016, Special Agents, coordinating with the EPA Labor and Employee Relations (LER) section, received the results of two urinalysis tests conducted after reasonable suspicion was developed by the EPA LER that (b) (6), (b) (7)(C) was routinely using marijuana. Both urinalysis tests yielded positive results showing the presence of Tetrahydrocannabinol (THC) in (b) (6), (b) (7)(C) sample. THC is the active ingredient in cannabis products such as marijuana, hashish, and hashish oil. Based upon the foregoing, there is sufficient evidence to support the allegations of drug use by (b) (6), (b) (7)(C) which is in violation of the Federal Drug-Free Workplace Program.

Concerning allegation three, that from January 31, 2016 to February 5, 2016, (b) (6), (b) (7)(C) failed to attend a conference as part of (b) (6), (b) (7)(C) official EPA duties and was AWOL. A review of (b) (6), (b) (7)(C) rental car records, hotel receipts, credit card charges, and an interview of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) did not support a finding that (b) (6), (b) (7)(C) was AWOL. However, (b) (6), (b) (7)(C) noted (b) (6), (b) (7)(C) official time in PeoplePlus for the time (b) (6), (b) (7)(C) was supposed to be attending the conference and was in (b) (6), (b) (7)(C) as regular time. (b) (6), (b) (7)(C) did not revise it to sick leave until approximately one month later, after (b) (6), (b) (7)(C) was questioned by (b) (6), (b) (7)(C) subordinate (b) (6), (b) (7)(C) EPA, as to why (b) (6), (b) (7)(C) was not present at the conference. (b) (6), (b) (7)(C) explained to (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) was sick during the entire conference and did not attend it.

My office is taking no further investigatory action on this matter. Please advise this office within 30 days of any further administrative action or other proposed actions, that may be taken by you in this matter. This final summary report is "For Official Use Only" and its disclosure to unauthorized officials is prohibited. If you have any questions or concerns, please do not hesitate to contact Special Agent (b) (6), (b) (7)(C) at (202) (b) (6), (b) (7)(C).

ATTACHMENT

1. Memorandum of Activity -- Final Summary Report Attachments



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVENUE, NW
WASHINGTON DC 20004

DATE: October 23, 2018

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-HQ-2016-ADM-0072 **CROSS REFERENCE #:**

TITLE: EPA Employees Downloading and/or Using WhatsApp Encrypted Messaging Application on EPA issued mobile devices

CASE CLOSING REPORT

Subject(s)	Location	Other Data
58 Known EPA Employees	HQ; Regions 1, 2, 3, 4, 5, 6, 8, 9, 10	

ALLEGATIONS:

- 1) EPA employees have downloaded and used the unauthorized encryption app: WhatsApp on their EPA devices in violation of EPA policy;
- 2) EPA employees conducted official EPA business within the *WhatsApp*
- 3) EPA employees failed to comply with the Federal Records Act, by not maintaining official EPA records.

NARRATIVE:

On February 2, 2017, The Washington Times published an article: "Lawsuit demands EPA say if employees using encrypted messages to evade open-records laws", which alleged unnamed EPA employees have downloaded and are using unauthorized encryption apps on their EPA devices in violation of EPA policy and failing to comply with the Federal Records Act (FRA), by not maintaining official EPA records. On February 3, 2017 Patrick Sullivan, Assistant Inspector General for Investigations (AIGI), EPA, Office of Inspector General (OIG), referred these allegations for investigation via the OIG Hotline for initiation. On February 14, 2017, the EPA

CASE:
OI-HQ-2016-ADM-0072

DATE OF ACTIVITY:
October 23, 2018

INTERVIEWEE (if applicable):
Interviewee

DRAFTED DATE: 10/23/2017
Click or tap to enter a date

AGENT(S):
SA (b) (6), (b) (7)(C)

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OIG received a Congressional request from the House of Representatives Subcommittee on Science, Space, and Technology to conduct an investigation into the use of EPA employees of unauthorized encryption applications on their EPA-issued devices.

On March 8th, 2017, OI opened an investigation of the following allegation: Whether EPA employees using the WhatsApp¹ application to communicate in violation of EPA policy² and the FRA.³

FINDINGS:

Allegation 1 – supported
Allegation 2 – unsupported
Allegation 3 - unsupported

Based upon OI's investigation, the evidence supports a finding that 58 EPA employees, either knowingly or unknowingly, were in technical violation of EPA policy which restricted the downloading of applications onto EPA devices not approved by the EPA's Office of Environmental Information (OEI). Further, OI identified only two EPA employees who conducted EPA business using WhatsApp. Both of these EPA employees had only used the application for scheduling official meetings while overseas, not for conducting substantive official EPA business. No evidence was found to support that the WhatsApp application was being used by EPA employees on their EPA issued mobile devices to purposely circumvent the applicable Federal record retention rules. One EPA employee was interviewed twice which resulted in the total number of employee interviews to reach 59, one number higher than the total number of employees identified as having downloaded the WhatsApp application onto their EPA-issued mobile device.

¹ WhatsApp is an application that provides free text messaging by using the phone's internet connection to send messages to avoid SMS fees. <https://www.whatsapp.com/features/>. It should be noted that OI was alerted by OEI of the presence of WhatsApp on EPA issued mobile devices after OI requested OEI identify any encrypted messaging application downloaded onto such devices.

² EPA CIO Policy # 2104.0 states, "Only software that has been approved by the IMO or the Agency's Chief Technology Officer and properly acquired by the Agency may be installed on EPA computer systems."

³ Federal record retention rules are both regulatory and criminal. 36 CFR 1220 mandates that all federal agencies actively maintain official records. 18 USC 1519 states, "Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both."

CASE:

OI-HQ-2016-ADM-0072

DATE OF ACTIVITY:

October 23, 2018

INTERVIEWEE (if applicable):

Interviewee

DRAFTED DATE: 10/23/2017

Click or tap to enter a date

AGENT(S):

SA [REDACTED]

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Specifically, on February 17, 2017, OI received the results of a requested search of all EPA issued mobile devices (iPhones) by EPA's OEI. The results of this search identified that 58 EPA employees had the WhatsApp application on their EPA issued mobile device. Based upon this information, OI proceeded to conduct voluntary interviews of all EPA employees who were identified to have the WhatsApp application downloaded onto their EPA issued mobile device. Two EPA employees admitted to using WhatsApp for official EPA work. Each EPA employee provided their EPA iPhones to the interviewing agents who then examined the contents of any conversations within the WhatsApp application. At the conclusion of each interview, OI special agents advised each EPA interviewee to inform their immediate supervisor of the presence of WhatsApp on the EPA device, and to confirm the application's deletion with management. One EPA employee with WhatsApp on their EPA-issued iPhone no longer was employed by the agency at the time of the interviews.

On July 19, 2017, the OI consulted with the U.S. Attorney's Office (USAO), Washington, DC, regarding this matter. The USAO agreed (b) (5), (b) (7)(E) [REDACTED], and the case should be handled administratively.

On February 27, 2018, OI forwarded these findings to the EPA to determine agency action. On April 2, 2018, Deputy Administrator Michael Flynn declined to take administrative action.

RECOMMENDATION:

This case is recommended for closure.

CASE:

OI-HQ-2016-ADM-0072

DATE OF ACTIVITY:

October 23, 2018

INTERVIEWEE (if applicable):

Interviewee

DRAFTED DATE: 10/23/2017

Click or tap to enter a date

AGENT(S):

SA [REDACTED]

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE., NW
WASHINGTON, DC 20004

DATE: DECEMBER 29, 2017

PREPARED BY: (b) (6), (b) (7)(C)

CASE #: OI-HQ-2017-ADM-0083

CROSS REFERENCE #: OI-HQ-2016-ADM-0075

TITLE: (b) (6), (b) (7)(C), GS-15, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON, DC	

VIOLATION(S):

1. 40 CFR § 7.120 – Nondiscrimination in Programs Receiving Federal Assistance from the Environmental Protection Agency, Complaint Investigations.
2. EPA ORDER 3120.1 – Appendix-Guidance on Corrective Discipline: (7) Conduct which is generally criminal, infamous, dishonest, immoral or notoriously disgraceful; (22) Negligent performance of duties.
3. EPA Order 4701: Title VI Case Management Protocol.

ALLEGATION:

On April 12, 2016, the Office of Professional Responsibility (OPR), Office of Investigations (OI), Office of Inspector General (OIG), U.S. Environmental Protection Agency (EPA), received an EPA OIG Hotline complaint reporting potential employee misconduct and mismanagement regarding the Title VI electronic mailbox (e-mail account) of the Office of Civil Rights (OCR), Office of the Administrator (OA), EPA, (Title_VI_Complaints@epa.gov). The complainant, who requested confidentiality, also alleged that management officials in the OCR falsified records, attempted to “cover-up” information related to a Flint, Michigan resident who submitted a civil rights complaint to the OCR Title VI e-mail account, and failed to inform the EPA Administrator of the complaints they received related to contamination in Flint, Michigan’s water system when queried for input for the Administrator’s Congressional testimony.

On June 3, 2016, a case was initiated to investigate the aforementioned allegations against the Office of Civil Rights (Case number: OI-HQ-2016-ADM-0075). As indicated in that case’s Report of Investigation (ROI), the allegations of misconduct alleged to have been specifically committed by management officials in the OCR was reported in separate ROIs. Thus, separate investigations were initiated, and this investigation specifically focused on the allegation related

to (b) (6), (b) (7)(C)

EPA (b) (6), (b) (7)(C)

Based upon the foregoing information, as well as additional information independently obtained during the course of the investigation, the OIG identified and investigated the following allegations posed against (b) (6), (b) (7)(C)

1. (b) (6), (b) (7)(C) failed to monitor the OCR Title VI e-mail account (Title_VI_Complaints@epa.gov) from approximately June 2014 to July 2015.
2. (b) (6), (b) (7)(C) the OCR failed to comply with 40 CFR § 7.120(c) by not acknowledging email complaints received by the OCR from June 2014 to July 2015 within five (5) days of receipt.

FINDINGS:

The allegations that (b) (6), (b) (7)(C) failed to monitor the OCR Title VI email account and failed to comply with 40 CFR § 7.120(c) from June 2014 to July 2015 were supported.

DISPOSITION:

During the review of related case OI-HQ-2016-ADM-0075, both the Civil Division and Civil Rights Division, Department of Justice, Washington DC, reviewed the facts related to the allegations concerning (b) (6), (b) (7)(C). On August 25, 2016, the Civil Division declined civil action based (b) (5), (b) (7)(E). On August 29, 2016, the Civil Rights Division declined prosecution based (b) (6), (b) (7)(C), (b) (5), (b) (7)(E) as such, this was purely an administrative investigation.

On (b) (6), (b) (7)(C), 2017, (b) (6), (b) (7)(C) issued a Letter of Counsel to (b) (6), (b) (7)(C)

Based upon the foregoing, there are no further investigative steps to be taken and this case is recommended for closure.

¹ (b) (6), (b) (7)(C)

² According to the agency website, as of December 2016, the functions of ECCP have been reorganized and are now in the External Civil Rights Compliance Office, Office of General Counsel, EPA.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

1301 CONSTITUTION AVE., NW
WASHINGTON, DC 20004

APR 25 2017

MEMORANDUM

SUBJECT: (b) (6), (b) (7)(C) GS-15 (b) (6), (b) (7)(C)
FROM: Patrick Sullivan, Assistant Inspector General for Investigations
TO: Mike Flynn, Acting Deputy Administrator
REFERENCE: OIG Case #: OI-HQ-2017-ADM-0083

RESTRICTED INFORMATION

The U.S. Environmental Protection Agency (EPA), Office of Inspector General initiated this investigation based on information received regarding allegations of employee misconduct and the mismanagement of the Title VI electronic mailbox in the Office of Civil Rights (OCR), EPA. This Report of Investigation specifically focuses on the allegations related to (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

The enclosed Report of Investigation details two allegations that were investigated by the OIG. Both allegations were found to be supported.

My office is taking no further investigatory action in this matter; however, in order that we may satisfy our reporting requirement to Congress and the Administrator, please advise this office within 30 days of receipt of this report of investigation the administrative action taken or proposed by you in this matter, if any. This report of investigation is "For Official Use Only" and its disclosure to unauthorized individuals is prohibited. Portions of it may be used by appropriate officials for administrative action. Please return this report after your review of this matter is completed.

ATTACHMENT:

Report of Investigation

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
1301 CONSTITUTION AVE, NW
WASHINGTON, DC 20004
REFERRAL REPORT OF INVESTIGATION

(b) (6), (b) (7)(C) GS-15, (b) (6), (b) (7)(C)
OI-HQ-2017-ADM-0083

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APR 25 2017

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Distribution:

Mike Flynn
Acting Deputy Administrator

Wendy Blake
Associate General Counsel
Office of General Counsel

Submitted by:

(b) (6), (b) (7)(C)

Special Agent
Office of Investigations

Approved by:

(b) (6), (b) (7)(C)

Special Agent in Charge
Office of Investigations

Reviewed by:



Patrick Sullivan
Assistant Inspector General
Office of Investigations

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OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CASE NO.:	OI-HQ-2017-ADM-0083	DATE OPENED:	03/21/2017
CASE TITLE:	(b) (6), (b) (7)(C) [REDACTED] GS-15, (b) (6), (b) (7)(C) [REDACTED]	CASE AGENT(s):	(b) (6), (b) (7)(C) [REDACTED]
CASE CATEGORY:	EMPLOYEE MISCONDUCT	OFFICE:	OFFICE OF PROFESSIONAL RESPONSIBILITY
JOINT AGENCIES:	NONE	JURISDICTION:	DISTRICT OF COLUMBIA, WASHINGTON, DC

SECTION A - NARRATIVE

Introduction

On April 12, 2016, the Office of Professional Responsibility (OPR), Office of Investigations (OI), Office of Inspector General (OIG), U.S. Environmental Protection Agency (EPA), received an EPA OIG Hotline complaint reporting potential employee misconduct and mismanagement regarding the Title VI electronic mailbox (e-mail account) of the Office of Civil Rights¹ (OCR), Office of the Administrator (OA), EPA, (Title_VI_Complaints@epa.gov). The complainant, who requested confidentiality, also alleged that management officials in the OCR falsified records, attempted to “cover-up” information related to a Flint, Michigan resident who submitted a civil rights complaint to the OCR Title VI e-mail account, and failed to inform the EPA Administrator of the complaints they received related to contamination in Flint, Michigan’s water system when queried for input for the Administrator’s congressional testimony. [Exhibit 1]

On June 3, 2016, a case² was initiated to investigate the aforementioned allegations. Based on information developed during the course of that investigation, the OIG identified that the potential employee misconduct and mismanagement of the OCR Title VI e-mail account³ occurred from June

¹ OCR enforces federal civil rights laws that prohibit discrimination against members of the public by recipients of EPA funds, and protects employees and applicants for employment from discrimination. OCR also provides policy guidance and technical assistance to program offices within the EPA on civil rights compliance and equal employment opportunity (<https://www.epa.gov/ocr>).

² OI Case Number: OI-HQ-2016-ADM-0075: OFFICE OF CIVIL RIGHTS MISMANAGEMENT OF TITLE_VI_CONPLAINTS@EPA.GOV WEB-BASED COMPLAINT MAILBOX

³ This investigation only focused on correspondence the OCR received via its OCR Title VI e-mail account (Title_VI_Complaints@epa.gov). The OCR External Compliance and Complaints Program (Title VI) accepts complaints via U.S. mail or fax and can be contacted via telephone for assistance (<https://www.epa.gov/sites/production/files/2016-09/documents/how-to-file-a-complaint-of-discrimination-brochure.pdf>).

2014 to July 2015. On March 20, 2017, the Report of Investigation was issued to Acting Deputy Administrator Mike Flynn, detailing the specifics of the investigation.

As indicated in that ROI, the allegations of misconduct alleged to have been specifically committed by management officials in the OCR would be reported in separate ROIs. Thus, separate investigations were initiated, and this case specifically focuses on the allegations (b) (6), (b) (7)(C)

[Exhibit 2]

Based upon the foregoing information, as well as additional information independently obtained during the course of the investigation, the OIG identified and investigated the following allegations

(b) (6), (b) (7)(C) :

1. (b) (6), (b) (7)(C) failed to monitor or manage the monitoring of the OCR Title VI e-mail account (Title_VI_Complaints@epa.gov)⁶ from approximately June 2014 to July 2015.
2. From approximately June 2014 to July 2015, (b) (6), (b) (7)(C) OCR failed to comply with 40 CFR § 7.120(c) by not acknowledging email complaints received in the OCR Title VI email account within the required five (5) days of receipt.

Possible Violation(s)

1. 40 CFR § 7.120 – Nondiscrimination in Programs Receiving Federal Assistance from the Environmental Protection Agency, Complaint Investigations.
2. EPA ORDER 3120.1 – Appendix-Guidance on Corrective Discipline: (7) Conduct which is generally criminal, infamous, dishonest, immoral or notoriously disgraceful; (22) Negligent performance of duties.
3. EPA Order 4701: Title VI Case Management Protocol.

Impact/Dollar Loss

The non-adherence to government-wide regulations and EPA policy could diminish the public trust, the integrity of the office, and program functionality. Failure to comply with Title VI regulations could lead to civil litigation against the EPA.

Synopsis

⁴ (b) (6), (b) (7)(C)

⁵ According to the agency website, as of December 2016, the functions of ECCP have been reorganized and are now in the External Civil Rights Compliance Office, Office of General Counsel, EPA.

⁶ Based on information provided by the Office of Environmental Information, EPA, the OCR Title VI e-mail account was created on January 6, 2010, as a Lotus Notes e-mail account, and was merged into a Microsoft Outlook e-mail account on approximately June 5, 2014.

Based on information obtained during the investigation, allegations one (1) and two (2) are supported.

Details

Investigation Disclosed Allegations Supported

Allegation 1: (b) (6), (b) (7)(C) OCR, failed to monitor or manage the monitoring of the OCR Title VI e-mail account (Title_VI_Complaints@epa.gov) from approximately June 2014 to July 2015.

Allegation 1 Finding: There is sufficient evidence to support a finding that (b) (6), (b) (7)(C) failed to monitor or manage the monitoring of the Title VI e-mail account from approximately June 2014 to July 2015.

Allegation 1 Investigative Results:

On September 9, 2016, following an interview with the OIG, (b) (6), (b) (7)(C) drafted an e-mail statement to OIG Special Agents, which stated in part, "(b) (6), (b) (7)(C)" [Exhibit 3]

On September 9, 2016, during a recorded interview with OIG Special Agents regarding whether the Title VI e-mail account was regularly monitored, (b) (6), (b) (7)(C) between '11, '12, and '13, yes, because we were getting public comments.... But after the policy got finalized...which I would say the answer is no, it was not regularly monitored. So we're talking about 2014, 2015-- the answer is no." [Exhibit 4]

OIG Special Agents followed up (b) (6), (b) (7)(C) and asked why the OCR Title VI e-mail account was not monitored, to which (b) (6), (b) (7)(C) made the following statements:

Well, I don't think there's a good answer other than other--the people that had access either left EPA, (b) (6), (b) (7)(C)

...

(b) (6), (b) (7)(C) I think the reality is that [it] fell through the cracks...and it wasn't being monitored. [Exhibit 4]

During the interview, (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C)

[Exhibit 4]

(b) (6), (b) (7)(C) also provided the following information in (b) (6), (b) (7)(C) statement:

The mailbox was monitored on a regular basis from 2012 until 2013 for public comments received and various other messages/concerns. However, after 2013 the mailbox was not monitored. The reason the mailbox was not monitored was because (b) (6), (b) (7)(C)

thus this very important issue fell through the cracks. [Exhibit 3]

On August 26, 2016, during a recorded interview with OIG Special Agents (b) (6), (b) (7)(C) EPA, made the following statements about the Title VI e-mail account not having been monitored from June 2014 to July 2015:

(b) (6), (b) (7)(C)

■

■

■

[Exhibit 5]

On August 26, 2016, following the interview, (b) (6), (b) (7)(C) provided OIG Special Agents with relevant documents related (b) (6), (b) (7)(C)

[Exhibit 6]

On September 15, 2016, during a recorded interview with OIG Special Agents (b) (6), (b) (7)(C)⁷, (b) (6), (b) (7)(C) EPA made the following statements about the discovery of the Title VI e-mail account:

(b) (6), (b) (7)(C) never knew it existed until probably the end of 2015 or close to it, maybe the fall of 2015, when it was brought to my attention that there was a mailbox.

...

(b) (6), (b) (7)(C)

So I would say maybe beginning of the fall, late summer of 2015, it came to my attention that there was this mailbox, this OCR complaints mailbox.

...

There is this mailbox, and so folks started looking at the mailbox, (b) (6), (b) (7)(C) and found a bunch of e-mails and that had been in there, that had gone unchecked. So that was definitely a screw-up. I guess there were maybe in excess of about 170, something like that, e-mails that were in there. [Exhibit 7]

On September 21, 2016, during a recorded interview with OIG Special Agents (b) (6), (b) (7)(C) EPA stated:

I recall that we actually had gotten a few e-mail messages via one of the e-mail boxes that we maintain at the Office of Civil Rights concerning the Flint, Michigan situation. And in that particular case we had an e-mail box that had not been operational or monitored for some time, due to a number of reasons, (b) (6), (b) (7)(C)

so we had a shortage and a gap in terms of staffing, and that mailbox was not monitored on a regular basis. [Exhibit 8]

(b) (6), (b) (7)(C)

[Exhibit 8]

Allegation 2: From approximately June 2014 to July (b) (6), (b) (7)(C) the OCR failed to comply with 40 CFR § 7.120(c) by not acknowledging email complaints received in the OCR Title VI email account within the required five (5) days of receipt.

Allegation 2 Findings: There is sufficient evidence to support a finding that the OCR failed to comply with 40 CFR § 7.120(c) by failing to acknowledge e-mailed complaints the OCR received from June 2014 to July 2015 within five (5) days of receipt, (b) (6), (b) (7)(C)

Allegation 2 Investigative Results:

As background, 40 CFR § 7.120 states in part:

§ 7.120 Complaint investigations. The OCR shall promptly investigate all complaints filed under this section unless the complainant and the party complained against agree to a delay pending settlement negotiations....

(c) Notification. The OCR will notify the complainant and the recipient of the agency's receipt of the complaint within five (5) calendar days. [Exhibit 9]

⁸ (b) (6), (b) (7)(C)

On December 1, 2016, at the request of OIG Special Agents, (b) (6), (b) (7)(C) provided copies of some of the first acknowledgments that were sent to individuals who submitted civil rights complaints to the OCR Title VI e-mail account from June 2014 to July 2015. Based on a review of the documents, the OCR started acknowledging the complaints it received from June 2014 to July 2015 on January 27, 2016. [Exhibit 10]

On September 9, 2016, during an interview with OIG Special Agents, (b) (6), (b) (7)(C) stated in part:

Our regs say we have 5 business days to review that, and issue what's called an acknowledgement letter, just basically saying, "We got it. We're on it," right.

...

So just so you know, that's codified in regulation, as law. So 40 CFR Part 7 is where that is. So there's a legal requirement for us to respond within 5, 20, and 180 days. In addition, we have a compliance resolution manual, which is basically a manual on how to do all this stuff, which further explains what the law is. [Exhibit 4]

On August 26, 2016, during an interview with OIG Special Agents, (b) (6), (b) (7)(C) provided a sworn statement in which (b) (6), (b) (7)(C) stated:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) [Exhibit 5]

From May 31, 2016, to June 13, 2016, OIG Special Agents reviewed the EPA e-mail files of (b) (6), (b) (7)(C). OIG Special Agents identified that (b) (6), (b) (7)(C) conducted a review of the Title VI complaint e-mails and provided an analysis to (b) (6), (b) (7)(C) on July 13, 2015. Based on the review, (b) (6), (b) (7)(C) provided (b) (6), (b) (7)(C) with the following information:

Here is the tabulation and triage for the 144 messages received via the Title VI complaints mailbox. Below is the summary table. 65 of the messages (45%) can be disregarded and do not need any additional action (many are spam or scams).

17 (about 12%) should go directly to a Case Manager. These are either actual Title VI complaints or are types of correspondence that would normally be filtered to a Case Manager...

Suggested Disposition	Complaints	%
No Action Needed	65	45.14%
Need Review/Response	62	43.06%
To Case Manager	17	11.81%
Number of Messages	144	100.00% [Exhibit 11]

In addition, OIG Special Agents identified that on July 16, 2015, (b) (6), (b) (7)(C) also provided an analysis of the e-mails sent to the Title VI e-mail account to (b) (6), (b) (7)(C). In (b) (6), (b) (7)(C) e-mail to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) stated, in part:

...Here is the breakdown of the 147 emails I reviewed:

Spam/Scam/Junk Emails: 62 Emails

Emails that may relate to environmental issues: 50 Emails

Referral to OW: 23 emails (11 separate issues)

Referral to OAR: 14 emails (13 separate issues)

Referral to OSWER: 2 emails (2 separate issues)

Referral to OCSPP: 5 emails (5 separate issues)

Emails which involved some

combination of multiple offices: 5 emails (5 separate issues)

Complaints which do not belong at the EPA 10 Emails
(Mainly Stench Complaints or OSHA-type complaints)

Emails that were confusing or unclear: 4 Emails

Emails where it was unclear whether someone was filing a Civil Rights Complaint: 2 Emails

Emails where sender was asking for help in filing a complaint 2 Emails
(Unclear whether complaint was a Discrimination Complaint)

Emails Related to FOIAs : 1 Email

Emails apparently related to the REACH Case: 10 Emails

Emails which appear to be genuine Discrimination Complaints 6 Emails (4 Actual Complaints)
[Exhibit 12]

On September 15, 2016, during a recorded interview with OIG Special Agents, (b) (6), (b) (7)(C) confirmed that 40 CFR § 7.120(c) regulates that the OCR acknowledge a correspondence within five (5) days, by stating in part, "...But the regulation requires that acknowledgement letters be issued within 5 days... Of receipt." [Exhibit 7]

As to why it took so long for the OCR to acknowledge the complaints received from June 2014 to July 2015, (b) (6), (b) (7)(C) stated in part:

(b) (6), (b) (7)(C)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] [Exhibit 7]

On September 15, 2016, (b) (6), (b) (7)(C) provided OIG Special Agents with a Microsoft Excel spreadsheet titled "Rev 30 T6 Website Complaints (090816)," which contained the information provided by (b) (6), (b) (7)(C)

in July 2015, as well as all e-mailed correspondence received in the Title VI e-mail account since July 2015. In addition, (b) (6), (b) (7)(C) provided the electronic acknowledgements the OCR sent to individuals who e-mailed the OCR Title VI e-mail account from June 2014 to July 2015. [Exhibit 13]

Disposition

This Report of Investigation is being referred to Mike Flynn, Acting Deputy Administrator, Office of the Administrator, EPA for any administrative remedies or actions as deemed appropriate.

SECTION B – ENTITIES AND INDIVIDUALS

Name of Person: (b) (6), (b) (7)(C)
Title & Company: (b) (6), (b) (7)(C)
 (b) (6), (b) (7)(C)
 (b) (6), (b) (7)(C)
Role: Subject
Business Address: 1301 Constitution Avenue
 Washington, DC 20460
Business Phone: (b) (6), (b) (7)(C)
EPA Employee: Yes

SECTION C – PROSECUTIVE STATUS

During the review of the related case OI-HQ-2016-ADM-0075, both the Civil Division and Civil Rights Division, Department of Justice, Washington DC, reviewed all the facts related to the allegations concerning (b) (6), (b) (7)(C). On August 25, 2016, the Civil Division declined civil action based on (b) (5), (b) (7)(E). On August 29, 2016, the Civil Rights Division declined prosecution based on (b) (6), (b) (7)(C), (b) (5), (b) (7)(E) as such, this was purely an administrative investigation.

EXHIBITS

EXHIBIT	DESCRIPTION
1.	EPA OIG Hotline Referral - 2016-0145 - Office of Civil Rights Mismanagement [Redacted]
2.	Office of Civil Rights Roster - MAR2012 - JUN2016
3.	Memorandum of Activity – Documents provided by (b) (6), (b) (7)(C) [Redacted], dated 9SEPT2016
4.	Memorandum of Interview – (b) (6), (b) (7)(C) [Redacted], dated 9SEPT2016
5.	Memorandum of Interview – (b) (6), (b) (7)(C) [Redacted], dated 26AUG2016
6.	Memorandum of Activity – Documents provided by (b) (6), (b) (7)(C) [Redacted], dated 26AUG2016
7.	Memorandum of Interview – (b) (6), (b) (7)(C) [Redacted], dated 15SEPT2016
8.	Memorandum of Interview - (b) (6), (b) (7)(C) [Redacted], dated 21SEPT2016
9.	40 CFR § 7.120
10.	Memorandum of Activity - Documents provided by (b) (6), (b) (7)(C) [Redacted], dated 1DEC2016
11.	(b) (6), (b) (7)(C) [Redacted] Analysis of Title VI Complaints with Attachment, dated 13JUL2015 [Redacted]
12.	(b) (6), (b) (7)(C) [Redacted] Analysis of Title VI Complaints, dated 16JUL2015 [Redacted]
13.	Memorandum of Activity - Documents provided by (b) (6), (b) (7)(C) [Redacted], dated 9SEPT2016



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVENUE, NW
WASHINGTON DC 20004

DATE: AUGUST 29, 2017

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-HQ-2017-ADM-0092

CROSS REFERENCE #: HOTLINE COMP
2016-0188

TITLE: (b) (6), (b) (7)(C), GS-14, (b) (6), (b) (7)(C)

CASE SUMMARY REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON, DC	

COMPLAINT: Violation of telework agreement, and locality pay.

BACKGROUND:

On May 17, 2016, Special Agent (SA) (b) (6), (b) (7)(C) received information via a hotline complaint (OIG General Hotline Complaint 2016-0188) that (b) (6), (b) (7)(C), GS-14, (b) (6), (b) (7)(C) was in violation of (b) (6), (b) (7)(C) telework agreement. This complaint was initially declined by the Office of Investigations (OI) and the Washington Field Office-OI, Office of the Inspector General (OIG). On February 7, 2017, the complaint was resubmitted by the Labor and Employee Relations Division (LERD), EPA.

INVESTIGATIVE FINDINGS:

Based on the complaint and information gathered during the investigation, OI identified and investigated the following allegations: 1. Did (b) (6), (b) (7)(C) from approximately 2011 until 2017, reside and telework in (b) (6), (b) (7)(C) while claiming a (b) (6), (b) (7)(C) address on official signed telework agreements, and 2. Did (b) (6), (b) (7)(C) list a (b) (6), (b) (7)(C) address on an official signed medical flexiplace agreement while teleworking from (b) (6), (b) (7)(C) residence in (b) (6), (b) (7)(C) from March 2016 to May 2016, while claiming Washington, DC locality pay. Based upon the evidence both allegations are supported.

On May 17, 2017, OIG Special Agents conducted a recorded interview of (b) (6), (b) (7)(C). During the interview, (b) (6), (b) (7)(C) reported that (b) (6), (b) (7)(C) lived at (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) has considered (b) (6), (b) (7)(C) permanent residence since

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2011. Further, (b) (6), (b) (7)(C) admitted that (b) (6), (b) (7)(C) has teleworked on a weekly basis from (b) (6), (b) (7)(C) since 2011.

According to LERD, from 2011 through 2016, all of (b) (6), (b) (7)(C) signed telework agreements list a (b) (6), (b) (7)(C) address. Specifically, (b) (6), (b) (7)(C) most recent telework agreement, dated August 2, 2016, listed (b) (6), (b) (7)(C) as (b) (6), (b) (7)(C) authorized telework address. In addition, (b) (6), (b) (7)(C) signed a medical flexiplace agreement with the same (b) (6), (b) (7)(C) address on February 18, 2016. All (b) (6), (b) (7)(C) medical documentation was from providers in (b) (6), (b) (7)(C)

OIG Special Agents reviewed the EPA issued cellular phone records of (b) (6), (b) (7)(C) during the time frame from February 2016 to March 2017. This review identified that during that time most of the outgoing calls by (b) (6), (b) (7)(C) originated from (b) (6), (b) (7)(C) was in telework and medical flexiplace status.

(b) (6), (b) (7)(C) was counseled and presented with a five-day suspension that (b) (6), (b) (7)(C) served in May 2017. At that time, (b) (6), (b) (7)(C) telework agreement was suspended. On (b) (6), (b) (7)(C) 2017, (b) (6), (b) (7)(C) submitted (b) (6), (b) (7)(C) resignation to the EPA. LERD reported (b) (6), (b) (7)(C) was in AWOL status for failure to appear for work as scheduled prior to (b) (6), (b) (7)(C) resignation.

RECOMMENDATION:

On (b) (6), (b) (7)(C) 2017, OPR obtained a copy of (b) (6), (b) (7)(C) SF50, confirming (b) (6), (b) (7)(C) resignation from the EPA effective (b) (6), (b) (7)(C), 2017.

This case is recommended for closure with no further investigatory action.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE., NW
WASHINGTON, DC 20004

DATE: OCTOBER 2, 2018

PREPARED BY: (b) (6), (b) (7)(C)

CASE #: OI-HQ-2017-ADM-0105

CROSS REFERENCE #:

TITLE: EPA EMPLOYEES DOWNLOADING AND/OR USING SIGNAL ENCRYPTED
MESSAGING APPLICATION ON EPA ISSUED MOBILE DEVICES

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	

VIOLATION:

EPA Records Policy
Federal Records Act of 1950

ALLEGATION:

On February 2, 2017, The Washington Times published an article: Lawsuit demands EPA say if employees using encrypted messages to evade open-records laws. The article alleged unnamed EPA employees had downloaded and used unauthorized encryption applications on their EPA devices in violation of EPA policy, and failed to comply with the FRA, by not maintaining official EPA records. On February 3, 2017, Patrick Sullivan, Assistant Inspector General for Investigations (AIGI), Office of Inspector General (OIG), EPA, referred these allegations for investigation via the OIG Hotline. The Office of Investigations (OI) identified and investigated the following allegation: Did EPA employees (b) (6), (b) (7)(C) EPA or (b) (6), (b) (7)(C) EPA use the Signal mobile device application to communicate official EPA business in violation of EPA policy and/or the Federal Records Act (FRA).

FINDINGS:

Based upon the OI's investigation, no evidence was found to support the allegation that the Signal application was being used by EPA employees on their EPA issued mobile devices to purposely circumvent the applicable Federal record retention rules. However, the evidence supported the finding that (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) either knowingly or unknowingly, violated EPA policy which restricts the downloading of applications onto EPA devices not approved by the EPA's Office of Environmental Information (OEI).

DISPOSITION:

Regarding the allegation against (b) (6), (b) (7)(C), on April 9, 2018, the EPA provided a response memo to the OIG indicating that the EPA declined to take administrative action against (b) (6), (b) (7)(C).

Regarding the allegation against (b) (6), (b) (7)(C), on April 30, 2018, the (b) (6) provided an email response to the (b) (6), (b) (7)(C) indicating that (b) (6), (b) (7)(C) was verbally counseled for downloading an unauthorized application to (b) (6) EPA issued iPhone.

Based upon the foregoing, there are no further investigative steps to be taken and this case is recommended for closure.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE, NW, SUITE B140
WASHINGTON, DC 20004

DATE: AUGUST 17, 2018

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-HQ-2017-ADM-0130

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C), GS-13, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)		

POTENTIAL VIOLATION(S):

Inappropriate Conduct

ALLEGATIONS:

On July 11, 2017, (b) (6), (b) (7)(C) GS-13, (b) (6), (b) (7)(C) EPA attempted to get a badge replacement at EPA HQ badging office. The badging office identified that (b) (6), (b) (7)(C) had an additional access card, which appeared almost identical to (b) (6), (b) (7)(C) issued Personal Identity Verification (PIV) card, on (b) (6), (b) (7)(C) lanyard. The badging office seized the card and referred the matter to (b) (6), (b) (7)(C) with EPA's Security Management Division.

FINDINGS:

This investigation revealed (b) (6), (b) (7)(C) modified (b) (6), (b) (7)(C) issued white proximity card by taping a photocopy of (b) (6), (b) (7)(C) to it, creating an altered copy almost identical to (b) (6), (b) (7)(C) issued PIV card.

On August 23, 2017, the United States Attorney's office, District of Columbia, declined to prosecute (b) (6), (b) (7)(C) for forgery.

On February 2, 2018, the EPA OIG completed a Report of Investigation and forwarded its findings to the Agency.

On June 4-7, 2018, (b) (6), (b) (7)(C) served a 4-day suspension, as evidenced by an SF-50, Notice of Personnel Action dated June 4, 2018 for Inappropriate Conduct.

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This suspension resulted in a Cost Savings to the United States Government in soft dollars of:
4 Days X 8 Hours @ 52.83 per hour = \$1690.- Cost Savings (Soft Dollars)

DISPOSITION: Supported. Closed.

All administrative proceedings have been completed and/or exhausted in this investigation.

As a result, this investigation is closed.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

January 31, 2018

MEMORANDUM

SUBJECT: (b) (6), (b) (7)(C) GS-13, (b) (6), (b) (7)(C) EPA
Case No. OI-HQ-2017-ADM-0130

FROM: Patrick Sullivan
Assistant Inspector General for Investigations
Office of Investigations
Office of Inspector General

TO: (b) (6), (b) (7)(C)
Office of Research and Development

Attached is a copy of our report of investigation on the above-captioned subject. The Washington Field Office (WFO), Office of Investigations (OI), Office of Inspector General (OIG), United States Environmental Protection Agency (EPA), initiated this investigation based on information provided by the EPA OIG Hotline #2017-0325

Of the allegation investigated, this investigation developed information to support that (b) (6), (b) (7)(C) altered (b) (6), (b) (7)(C) white proximity card resulting in the creation of what appeared to be a duplicate of (b) (6), (b) (7)(C) Facility Access Card (FAC).

The United States Attorney's Office of the District of Columbia stated the matter was not one their office would pursue.

Please advise this office of any arrangements you have made or plan to make pertaining to any administrative action regarding (b) (6), (b) (7)(C). Additionally, your attention is directed to the EPA Conduct and Discipline Manual, EPA Order 3120.1, which prescribes policies for administering disciplinary action within the Agency. The manual contains a list of offenses with suggested penalties, although the list of offenses is not intended to be all inclusive. For offenses not listed, penalties may be imposed consistent with penalties contained in the manual for offenses of comparable gravity.

The information in the Conduct and Discipline Manual is to assist you in determining what action, if any, is warranted; however, it does not constitute a "charge" against (b) (6), (b) (7)(C). It is the responsibility of the action official alone to evaluate the information contained in the report and to decide whether action under any part of the Conduct and Discipline Manual is appropriate.

In order that we may satisfy our reporting requirement to Congress and the Administrator, please advise this office within 60 days of the administrative action taken or proposed by you in this matter. This report is "For Official Use Only" and its disclosure to unauthorized individuals is prohibited. Portions of it may be used by appropriate officials for administrative action. Please return our report after your review of this matter is completed.

It is highly recommended that you confer with the Office of General Counsel and the Office of Human Resources to ensure that any action proposed is appropriate and equitable, and for any necessary guidance about personnel regulations.

Should you have any questions, particularly regarding the investigative report, you are encouraged to contact Special Agent (b) (6), (b) (7)(C) (202) (b) (6), (b) (7)(C) or me at (202) 566-0308.

Attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
1301 CONSTITUTION AVE, NW EPA WEST BUILDING
WASHINGTON, DC 20004
REPORT OF INVESTIGATION

(b) (6), (b) (7)(C) GS-13, (b) (6), (b) (7)(C) EPA
OI-HQ-2017-ADM-0130

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(b) (6), (b) (7)(C)

With Attachments

(b) (6), (b) (7)(C)

Informational Purposes Only – No
Attachments

(b) (6), (b) (7)(C)

Informational Purposes Only – No
Attachments

Submitted by:

(b) (6), (b) (7)(C)

Special Agent
Office of Investigations

Approved by:

(b) (6), (b) (7)(C)

Special Agent in Charge
Office of Investigations

Reviewed by:

Patrick Sullivan 2/6/18

Assistant Inspector General
Office of Investigations

OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CASE NO.: OI-HQ-2017-ADM-0130 **DATE OPENED:** 07/19/2017

CASE TITLE: (b) (6), (b) (7)(C) **CASE AGENT(s):** (b) (6), (b) (7)(C)

GS-13, (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) EPA

CASE CATEGORY: Employee Integrity **OFFICE:** Washington Field Office

JOINT AGENCIES: None **JURISDICTION:** District of Columbia

SECTION A - NARRATIVE

Introduction

On July 11, 2017, the Office of Investigations (OI), Office of Inspector General (OIG), U.S. Environmental Protection Agency (EPA) was referred EPA OIG Hotline complaint 2017-0325.

Allegedly, on July 11, 2017, (b) (6), (b) (7)(C) GS-13, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) EPA; attempted to get a PIN reset on (b) (6), (b) (7)(C) EPA badge at EPA HQ badging office. The badging office representative identified that (b) (6), (b) (7)(C) had an altered badge on (b) (6), (b) (7)(C) anyard. The representative seized the badge and referred the matter to EPA's Security Management Division. [Exhibit 1]

Possible violation(s)

1. 18 U.S. Code § 1028 – Fraud and related activity in connection with identification documents, authentication features, and information; (a) Whoever, in a circumstance described in subsection (c) of this section – (1) Knowingly and without lawful authority produces an identification document, authentication feature, or a false identification document;
2. 18 U.S. Code § 701 – Official badges Identification cards, other insignia;
3. EPA Order 3120.1, Appendix, Table of Penalties 3(a) – Breach of security regulations or practice – Where restricted information is not compromised and breach is unintentional;
4. EPA Order 3120.1, Appendix, Table of Penalties 15 – Misuse of Official Government Credential;
5. EPA Order 3120.1, Appendix, Table of Penalties 27 – Forging or Falsifying Official Government Records or Documents.

Synopsis

The allegation concerning (b) (6), (b) (7)(C) alteration of (b) (6), (b) (7)(C) white proximity card resulting in the creation of what appeared to be a duplicate of (b) (6), (b) (7)(C) Facility Access Card (FAC) is supported.

DetailsInvestigation Disclosed Allegations Supported

Allegation 1: (b) (6), (b) (7)(C) altered (b) (6), (b) (7)(C) white proximity card resulting in the creation of what appeared to be a duplicate of (b) (6), (b) (7)(C) Facility Access Card (FAC).

Allegation 1 Findings: The results of the witness and subject interviews support the allegation that (b) (6), (b) (7)(C) altered (b) (6), (b) (7)(C) white proximity card by photocopying (b) (6), (b) (7)(C) FAC and attaching the photocopy to (b) (6), (b) (7)(C) white proximity card.

Allegation 1 Investigative Results:Witness Interview

On August 1, 2017, the OI interviewed (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) EPA. [Exhibit 2] (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) came into the badging office to have the Personal Identification Number (PIN) on (b) (6), (b) (7)(C) FAC reset. [Exhibit 3] (b) (6), (b) (7)(C) wanted to know from (b) (6), (b) (7)(C) why (b) (6), (b) (7)(C) pin was blocked. As (b) (6), (b) (7)(C) was explaining to (b) (6), (b) (7)(C) why (b) (6), (b) (7)(C) pin was blocked, (b) (6), (b) (7)(C) noticed what appeared to be another FAC in (b) (6), (b) (7)(C) plastic badge holder. (b) (6), (b) (7)(C) stated that the badge was an old white proximity card with a photocopied picture of (b) (6), (b) (7)(C) official FAC taped to it.

(b) (6), (b) (7)(C) confiscated the badge and referred the matter to (b) (6), (b) (7)(C) management and the Security Management Division (SMD). (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) could not have the photocopied badge back. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) then told (b) (6), (b) (7)(C) that it was a card that (b) (6), (b) (7)(C) created and that it was a Proximity (proxy) card. (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) created the card, so that if it was lost whoever finds it will know where to return it.

Subject Interview

On September 7, 2017, the OI interviewed (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) EPA. [Exhibit 4] During the course of the interview (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was given what (b) (6), (b) (7)(C) calls a proxy card (the government issued white card) from the EPA badging office. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) used the altered proximity badge to enter the EPA towers in the Ronald Reagan building because (b) (6), (b) (7)(C) FAC did not work on the turnstiles. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) decided to photocopy (b) (6), (b) (7)(C) FAC and attach the photocopy to the white proxy card in case (b) (6), (b) (7)(C) set it down or lost it. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) did not believe that (b) (6), (b) (7)(C) presented the badge to anyone while coming into the EPA facilities. (b) (6), (b) (7)(C) related that (b) (6), (b) (7)(C) did not think to consult with EPA management before deciding to alter the provided white proxy card. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) did not think that it was wrong to alter the card. When asked if anyone brought to (b) (6), (b) (7)(C) attention that the altered card was not an appropriate card to come in and out of the building with, (b) (6), (b) (7)(C) stated "Not that I recall."

Disposition

On August 23, 2017, OI briefed Assistant United States Attorney Derrick Williams for the District of Columbia. The federal violations pertaining to this case involved 18 U.S.C. 701 – Official badges, identification cards, other insignia. On the same date AUSA Williams advised OI that his office would not accept the matter for criminal prosecution.

This Report of Investigation is being sent to (b) (6), (b) (7)(C) Director, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) for administrative review and any action deemed appropriate.

SECTION B – ENTITIES AND INDIVIDUALS

Name of Person: (b) (6), (b) (7)(C)
 Title & Company: (b) (6), (b) (7)(C)
 Role: Subject
 Business Address: Ronald Reagan Building
 1300 Pennsylvania Ave., N.W.
 (b) (6), (b) (7)(C)
 Washington, DC 20004
 Business Phone: (b) (6), (b) (7)(C)
 EPA Employee: Yes

SECTION C – PROSECUTIVE STATUS

On August 23, 2017, OI briefed Assistant United States Attorney Derrick Williams for the District of Columbia. The federal violations pertaining to this case involved 18 U.S.C. 701 – Official badges, identification cards, other insignia. On the same date AUSA Williams advised OI that his office would not accept the matter for criminal prosecution.

EXHIBITS

EXHIBIT	DESCRIPTION
1.	07.19.2017 – OI-HQ-2017-ADM-0130 Case Initiation
2.	08.01.2017 – Memorandum of Interview – (b) (6), (b) (7)(C)
3.	08.10.2017 – Memorandum of Activity – Badging Office Sign-in Sheet
4.	09.07.2017 – Memorandum of Interview – (b) (6), (b) (7)(C)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

1200 PENNSYLVANIA AVE., NW
WASHINGTON, DC 20460

DATE: JANUARY 30, 2017

PREPARED BY: (b) (6), (b) (7)(C)

CASE #: OI-HQ-2017-ADM-0131

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C), GRANTEE, (b) (6), (b) (7)(C), EPA

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	EPA	

ALLEGATIONS: On July 19, 2017, Special Agent (SA) (b) (6), (b) (7)(C) U.S. Environmental Protection Agency (EPA), Office of Inspector General (OIG), Office of Investigations (OI), Washington Field Office, was referred EPA OIG Hotline complaint 2017-0331. Allegedly, (b) (6), (b) (7)(C), Grantee, (b) (6), (b) (7)(C) Washington DC; had a counterfeit badge (that (b) (6), (b) (7)(C) presumably created) seized by EPA guards who then turned the badge over to the Securities Management Division (SMD)

INVESTIGATIVE FINDINGS: On May (b) (6), (b) (7)(C) 2017, (b) (6), (b) (7)(C) was issued a memo terminating (b) (6), (b) (7)(C) position with (b) (6), (b) (7)(C) grantee program. On August 23, 2017, this matter was referred to the Department of Justice for potential criminal prosecution and was declined the same day. On January 19, 2018, the Office of Investigations contacted the EPA Suspension and Debarment office to determine if debarment actions should be taken against (b) (6), (b) (7)(C). On January 26, 2018, the Suspension and Debarment office determined that (b) (6), (b) (7)(C), (b) (5)

DISPOSITION: Since all appropriate actions have been considered and/or taken regarding this matter, this case is being closed with no further action.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

DATE: APRIL 5, 2018

PREPARED BY: (b) (6), (b) (7)(C)

CASE #: OI-HQ-2017-ADM-0141

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C), GS-14, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON, DC	

VIOLATION(S): Purely Administrative: Employee Misconduct: Inconsistencies reported on personnel documentation utilized to obtain employment.

ALLEGATION: This investigation was initiated when (b) (6), (b) (7)(C) Environmental Protection Agency (EPA), noticed numerous inconsistencies pertaining to periods of unemployment and over-lapping periods of federal and contractor employment, contained within the personnel paperwork utilized by (b) (6), (b) (7)(C) EPA, to gain employment, and contacted the OIG with (b) (6), (b) (7)(C) concerns.

FINDINGS: Special Agent (SA) (b) (6), (b) (7)(C) Office of Professional Responsibility (OPR), Office of Investigations (OI), Office of Inspector General (OIG), EPA, conducted a document review and confirmed the inconsistencies identified by (b) (6), (b) (7)(C). SA (b) (6), (b) (7)(C) then conducted an interview with (b) (6), (b) (7)(C) who acknowledged the reported inconsistencies, but stated that (b) (6), (b) (7)(C) was not sure why (b) (6), (b) (7)(C) reported (b) (6), (b) (7)(C) previous employment positions and over-lapping periods of unemployment in this manner. (b) (6), (b) (7)(C) maintained that (b) (6), (b) (7)(C) never purposefully misrepresented (b) (6), (b) (7)(C) time periods and positions of employment and unemployment.

DISPOSITION: (b) (6), (b) (7)(C) used the admissions obtained in the (b) (6), (b) (7)(C) interview as a basis to terminate (b) (6), (b) (7)(C) employment within (b) (6), (b) (7)(C) one (1) year probationary status. This case was a purely administrative case. Based upon the aforementioned, there are no remaining investigative steps and this investigation is recommended for closure with no further action. Should new information become available, the EPA-OIG retains the right to re-open the investigation.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVENUE NW
WASHINGTON, DC 20004

DATE: October 19, 2018

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-HQ-2017-ADM-0144

CROSS REFERENCE

TITLE: (b) (6), (b) (7)(C) GS-13, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	Washington, DC	

POTENTIAL VIOLATIONS: 18 U.S.C § 1001 – Statements or entries generally
18 U.S.C § 1017 – Government seals wrongfully used

ALLEGATION: On August 30, 2017, the Washington Field Office (WFO), Office of Investigation (OI), Office of Inspector General (OIG), Environmental Protection Agency (EPA), initiated an investigation concerning an allegation of records falsification by (b) (6), (b) (7)(C). According to the information reported to the EPA Hotline, on several occasions, (b) (6), (b) (7)(C) forged a nurse's signature on documents (b) (6) provided to the EPA to justify (b) (6) continuous absences from work.

FINDINGS: Investigative activity on this case revealed that on two separate occasions, it appears (b) (6), (b) (7)(C) did use a Department of Veterans Affairs letterhead to forge the signature of (b) (6), (b) (7)(C), Washington, D.C.

On (b) (6), (b) (7)(C), 2018, (b) (6), (b) (7)(C) was removed from federal service for "Absence Without Leave (AWOL) and Failure to Follow Leave Requesting Procedures." (b) (6), (b) (7)(C) removal from federal service was not a direct result of captioned investigation.

DISPOSITION: No further investigative action is warranted. This investigation is hereby closed.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVENUE NW
WASHINGTON, DC 20004

DATE: August 8, 2019

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-HQ-2017-ADM-0146

CROSS REFERENCE: COMP-2017-98

TITLE: (b) (6), (b) (7)(C), GS-11, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	Washington, DC	

POTENTIAL VIOLATIONS:

18 U.S.C. § 1001 – False statement

18 U.S.C. § 287 – False, fictitious or fraudulent claims

ALLEGATION:

On September 27, 2017, the Washington Field Office (WFO), Office of Investigations (OI), Office of Inspector General (OIG), Environmental Protection Agency (EPA) initiated this investigation pursuant to a Hotline complaint concerning time and attendance irregularities for (b) (6), (b) (7)(C) GS-11, (b) (6), (b) (7)(C) EPA.

FINDINGS:

A management inquiry conducted by the EPA Labor and Employee Relations (LER) showed that (b) (6), (b) (7)(C) behavior resulted in 67.25 hours of Absent Without Leave (AWOL) in fiscal year 2018, totaling \$2,304.31. On September 14, 2018, (b) (6), (b) (7)(C) was removed from federal employment.

DISPOSITION: Supported; Closed

Based on the information detailed above, the allegation was deemed supported. The Agency decided to proceed with its own review and the removal process without waiting for OI to complete its' investigation.

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On March 7, 2019, this matter was presented for criminal prosecution to the United States Attorney's Office, Fraud and Public Corruption Section, Washington, D.C. The matter was declined for criminal prosecution (b) (5), (b) (7)(E) [REDACTED].

No further investigative activity is anticipated. This matter is closed in this office.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVENUE, NW
WASHINGTON DC 20004

DATE: APRIL 24, 2018

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-HQ-2017-CAC-0043

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C)
SACRAMENTO, CA. AREA

CASE SUMMARY REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON, DC	N/A

COMPLAINT: The following investigation was predicated upon a threatening phone call from (b) (6), (b) (7)(C) former employee, Athens, GA campus, EPA, received by (b) (6), (b) (7)(C) Environmental Protection Agency (EPA).

On December 8, 2016, (b) (6), (b) (7)(C) received a threatening phone call from (b) (6), (b) (7)(C) emailed a summary of the phone conversation to (b) (6), (b) (7)(C) PA. (b) (6), (b) (7)(C) referred the potential threat to the Office of Inspector General, EPA, for investigation. (b) (6), (b) (7)(C) email stated the following:

This evening at 5:30 PM EST, I received a call from ex-employee (b) (6), (b) (7)(C) call. (b) (6), (b) (7)(C) asked me my name and I told (b) (6), (b) (7)(C) "I am (b) (6), (b) (7)(C)." Right after that (b) (6), (b) (7)(C) went in. (b) (6), (b) (7)(C) went from being calm to irate in 1 second. (b) (6), (b) (7)(C) was yelling at the top of (b) (6), (b) (7)(C) lungs. (b) (6), (b) (7)(C) said, "Fuck EPA! I am tired of you fucking with my life. You all will not continue to keep doing this. I will come down there and fuck you all up. I will kill ya'll and fuck up Gina McCarthy." (b) (6), (b) (7)(C) would not allow me to speak but you could hear (b) (6), (b) (7)(C) on my phone as if (b) (6), (b) (7)(C) was on a speaker phone.

INVESTIGATIVE FINDINGS: On December 9, 2016, SA (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), OIG, EPA, contacted T-Mobile (b) (7)(E) (b) (6), (b) (7)(C) caller ID during the threatening phone call. The location data was used to locate and track the cell phone, believed to be in the possession of (b) (6), (b) (7)(C)

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On December 13, 2016, the case was presented to Assistant United States Attorney (AUSA) Kamil Shields (Shields), United States Attorney's Office (USAO), Federal District of Columbia, who accepted the case for prosecution and assigned AUSA Lou Manzo (Manzo), USAO, DC, to prosecute the case. (b) (6), (b) (7)(C), (b) (7)(E)

[REDACTED]

(b) (6), (b) (7)(C), (b) (7)(E)

[REDACTED]

[REDACTED]

[REDACTED]

On November 1, 2017, SA (b) (6), (b) (7)(C) was notified by AUSA Manzo that the USAO was dismissing the charges against (b) (6), (b) (7)(C).

DISPOSITION: Based upon the aforementioned, there are no remaining investigative steps and this investigation is recommended for closure with no further action.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVENUE, NW
WASHINGTON DC 20004

DATE: JUNE 1, 2018

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-HQ-2017-CAC-0048

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C) GS-15, (b) (6), (b) (7)(C)
WASHINGTON, DC.

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON, DC	

COMPLAINT:

On August 25, 2016, the Office of Investigation (OI), OIG received information via a hotline complaint (Hotline Complaint 2016-0296) that (b) (6), (b) (7)(C) GS-15, (b) (6), (b) (7)(C) Washington, DC, was selling marijuana during duty hours and on government travel.

BACKGROUND:

Based on the complaint and information gathered during the investigation, OI identified and investigated the following allegations: Did (b) (6), (b) (7)(C) have marijuana on (b) (6), (b) (7)(C) person while on EPA travel to the (b) (6), (b) (7)(C) in August 2016, at (b) (6), (b) (7)(C); and, did (b) (6) sell marijuana to (b) (6), (b) (7)(C) fellow EPA employees.

INVESTIGATIVE FINDINGS:

Based upon the evidence the first allegation was supported. No information was developed to support the second allegation that (b) (6), (b) (7)(C) was selling marijuana.

RECOMMENDATION:

RESTRICTED INFORMATION

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A Final Summary Report was provided to the EPA. A three-day suspension, April 3, 2018 – April 5, 2018, was issued to [REDACTED] No further action was taken by the Agency.

This case is recommended for closure with no further investigatory action.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE., NW
WASHINGTON, DC 20004

FINAL SUMMARY REPORT

AUG 01 2017

SUBJECT:

(b) (6), (b) (7)(C)

Environmental Protection Agency
Case Number: OI-HQ-2017-CAC-0048

FROM:

Patrick F. Sullivan
Assistant Inspector General for Investigations
Office of Investigations
Office of Inspector General
Environmental Protection Agency

TO:

(b) (6), (b) (7)(C)

Environmental Protection Agency
(With attachments)

CC:

(b) (6), (b) (7)(C)

(With attachments)

This Final Summary Report sets forth the Environmental Protection Agency (EPA), Office of Inspector General's (OIG) investigative finding for your review concerning the above referenced case. Attached is a memorandum of activity containing all the relevant investigative documents used in our investigation, which will also be relevant to your review process in determining whether administrative action is warranted (see attached).

On August 25, 2016, the Office of Investigation (OI), OIG received information via a hotline complaint (Hotline Complaint 2016-0296) that (b) (6), (b) (7)(C) GS-15, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Washington, DC, was selling marijuana during duty hours and on government travel.

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Based on the complaint and information gathered during the investigation, OI identified and investigated the two following allegations: Did (b) (6), (b) (7)(C) have marijuana on (b) (6), (b) (7)(C) person while on EPA travel to the (b) (6), (b) (7)(C) in August 2016, at (b) (6), (b) (7)(C) and, did (b) (6), (b) (7)(C) sell marijuana to (b) (6), (b) (7)(C) fellow EPA employees. Based upon the evidence the first allegation is supported. No information was developed to support the second allegation that (b) (6), (b) (7)(C) was selling marijuana.

The following is a summary of the factual evidence supporting the above referenced finding:

On June 13, 2017, OIG Special Agents conducted a recorded interview of (b) (6), (b) (7)(C) admitted to having marijuana at the (b) (6), (b) (7)(C). The following is an excerpt from the interview with (b) (6), (b) (7)(C)

- Q Why did you feel it was appropriate to bring marijuana to that event?
A I didn't intentionally bring marijuana to the event.
Q Okay. So how--
A It was in my vehicle when I departed my home, and it had been there in my vehicle for a number of weeks before I left.
Q Do you recall how much you brought?
A I do not.
Q Visually, can you think small bag, big bag, dime bag?
A My recollection is that there were perhaps two small bags, probably totaling maybe an eighth of an ounce.
Q Did you offer the marijuana to coworkers?
A I did.

Three EPA employee witnesses were interviewed, and corroborated that (b) (6), (b) (7)(C) brought marijuana to the event, offered it to (b) (6), (b) (7)(C) coworkers, but did not attempt to sell the marijuana. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) has never sold marijuana to EPA employees or on EPA property. (b) (6), (b) (7)(C) denied having ever been under the influence of marijuana at work. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) is embarrassed by this situation and regrets (b) (6), (b) (7)(C) actions.

On June 7, 2017, this case was presented to the U.S. Attorney's Office (USAO), New Haven, CT, Major Crimes and National Security Unit. Federal prosecution of (b) (6), (b) (7)(C) for 21 USC § 844(a) was declined (b) (5), (b) (7)(E). As such, this case is solely administrative in nature. I am providing you with this Final Summary Report for your review and to enable the EPA to take whatever action is deemed appropriate.

My office is taking no further investigatory action in this matter; however, in order that we may satisfy our reporting requirements to Congress, please advise this office within 30 days of receipt of this Final Summary Report of any administrative action taken or proposed by you in this matter, if any. This Final Summary Report is "For Official Use Only" and its disclosure to unauthorized individuals is prohibited. Portions of it may be used by appropriate officials for administrative action.

If you have any questions or concerns, please do not hesitate to contact me at 202 (b) (6), (b) (7)(C)

ATTACHMENT

1. Memorandum of Activity – Final Summary Report Attachments for Case Number: OI-HQ-2017-CAC-0048 (all documents are on the attached CD).



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

DATE: FEBRUARY 9, 2018

PREPARED BY: (b) (6), (b) (7)(C)

CASE #: OI-HQ-2017-CAC-0060

CROSS REFERENCE #:

TITLE: UNKNOWN SUBJECT: CONCERNING MAILINGS TO TRUMP CABINET
NOMINEES

CASE CLOSING REPORT

Subject(s)	Location	Other Data
UNKNOWN SUBJECT	WASHINGTON, DC	

VIOLATION(S): 18 USC § 875 – Interstate Communications

ALLEGATION: This investigation was initiated after an email from Assistant Inspector General of Investigations (AIGI) Patrick Sullivan (Sullivan), Office of Inspector General (OIG), Environmental Protection Agency (EPA), related concerning mailings to multiple nominated members of President Trump's Presidential Cabinet. The mailings contained a single red card with the word "Trump!" handwritten in black marker, as well as a package of white powdery substance.

FINDINGS: Special Agent (SA) (b) (6), (b) (7)(C), Office of Investigations (OI), OIG, EPA contacted (b) (7)(E), (b) (5) SA was notified that (b) (7)(E)

No additional similar mailings have ever been identified.

DISPOSITION: The case was kept open in anticipation of additional mailings being received by members of President Trump's administrative staff. However, no additional mailings have been received or identified. This case never progressed from its initial stages and was not briefed to the United States Attorney's Office. Based upon the aforementioned, there are no remaining investigative steps and this investigation is recommended for closure with no further action. Should new information become available, the EPA-OIG retains the right to re-open the investigation.

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

1301 CONSTITUTION AVE., NW
WASHINGTON, DC 200042

DATE: May 30, 2019

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-HQ-2017-CAC-0120

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C) SES, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	Washington, DC	N.A.

VIOLATIONS:

Title 18 U.S. Code § 1001

Statements or entries generally

EPA Order 3120.1, Appendix, Table of Penalties 7

Conduct which is generally criminal, infamous, dishonest, immoral or notoriously disgraceful

EPA Order 3120.1, Appendix, Table of Penalties 16

Deliberate misrepresentation, falsification, concealment or withholding of a material fact

ALLEGATION:

On June 2, 2017, Special Agent (SA) (b) (6), (b) (7)(C) U.S. Environmental Protection Agency (EPA), Office of Inspector General (OIG), Office of Investigations (OI), Washington Field Office, was given electronic documents pertaining to the security clearance of (b) (6), (b) (7)(C). EPA's Personnel Security Branch (PSB) notified the OIG because multiple omissions on (b) (6), (b) (7)(C) background investigation may have violated 18 U.S. Code § 1001.

FINDINGS:

Subject interviews, email file reviews, and document reviews were conducted. Sufficient evidence was developed to support the allegation that (b) (6), (b) (7)(C) omitted multiple details from (b) (6), (b) (7)(C) background investigation pertaining to disciplinary actions in (b) (6), (b) (7)(C) previous employment.

(b) (6), (b) (7)(C) was interviewed by OI and claimed (b) (6), (b) (7)(C) attempted to provide an explanation in the additional comments portion of the SF-86 concerning the disciplinary action, but (b) (6), (b) (7)(C) additional

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comments did not appear on (b) (6), (b) (7)(C) submitted SF-86. (b) (6), (b) (7)(C) advised (b) (6) attempted to upload (b) (6), (b) (7)(C) supporting notes as a file attachment. (b) (6), (b) (7)(C) did not keep a copy of (b) (6), (b) (7)(C) completed form. (b) (6), (b) (7)(C) claimed to have taken “contemporaneous notes” while completed the form but a forensic analysis indicated the “contemporaneous notes” were prepared 11 days after the electronic submission of (b) (6), (b) (7)(C) SF-86.

(b) (6), (b) (7)(C) admitted to receiving an additional 30-day suspension for conduct unbecoming a federal employee in January 2010. (b) (6), (b) (7)(C) stated (b) (6) did not agree with the discipline. (b) (6), (b) (7)(C) stated (b) (6) was not attempting to conceal it but, rather, (b) (6) wanted to explain it in the additional comments that failed to upload with the submitted SF-86.

DISPOSITION: Supported; Closed

On September 7, 2017, the case was presented to presented to an Assistant United States Attorney for the District of Columbia. The case was declined for prosecution on September 8, 2017. On May 31, 2018, the Report of Investigation (ROI) was delivered to (b) (6), (b) (7)(C) management for appropriate action. On (b) (6), (b) (7)(C) 2018, (b) (6), (b) (7)(C) retired after receiving a written notice of the agency’s decision to separate (b) (6), (b) (7)(C) for failure to maintain a security clearance required by (b) (6), (b) (7)(C) position. The Agency’s final decision was not based solely on the ROI.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
1301 CONSTITUTION AVE, NW
WASHINGTON, DC 20004
REFERRAL REPORT OF INVESTIGATION

MAY 24 2018

(b) (6), (b) (7)(C) SES, (b) (6), (b) (7)(C)
OI-HQ-2017-CAC-0120

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Distribution:

(b) (6), (b) (7)(C)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20004
With Attachments

(b) (6), (b) (7)(C)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20004
Informational Purposes Only –
No Attachments

(b) (6), (b) (7)(C)

With Attachments

Submitted by:

(b) (6), (b) (7)(C)

Special Agent
Office of Investigations

Approved by:

(b) (6), (b) (7)(C)

Special Agent in Charge
Office of Investigations

Reviewed by:

Patrick Sullivan
Assistant Inspector General
Office of Investigations

Contents of this report and/or its exhibits may contain personally identifiable information (PII), to include sensitive PII (SPII) protected by the Privacy Act, and is subject to the EPA Policy on PII and SPII. As such, please follow the agency's policy on PII and SPII, to include ensuring that this report and exhibits are properly safeguarded.

OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CASE NO.: OI-HQ-2017-CAC-0120 **DATE OPENED:** 06/21/2017
CASE TITLE: (b) (6), (b) (7)(C) SES, **CASE AGENT(s):** (b) (6), (b) (7)(C)
 (b) (6), (b) (7)(C)
CASE CATEGORY: Employee Integrity **OFFICE:** Washington Field Office
JOINT AGENCIES: None **JURISDICTION:** District of Columbia

SECTION A - NARRATIVE

Introduction

On June 2, 2017, the U.S. Environmental Protection Agency (EPA), Office of Inspector General (OIG), Office of Investigations (OI), met with representatives of the EPA's Personnel Security Branch (PSB). PSB notified the OIG of its concern regarding multiple omissions related to the background investigation for (b) (6), (b) (7)(C) that may represent violations of 18 U.S.C. § 1001.

After (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was hired by the EPA on (b) (6), (b) (7)(C) 2011, as a (b) (6), (b) (7)(C) (GS-15) in the (b) (6), (b) (7)(C) That position did not require a security clearance. However, (b) (6), (b) (7)(C) appointment as (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) As part of this process, (b) (6), (b) (7)(C) had to complete and submit Office of Personnel Management (OPM) Standard Form 86 (SF-86), *Questionnaire for National Security Positions*.

Possible Violation(s)

1. 18 U.S.C. § 1001 – False statements.
2. EPA Order 3120.1, Appendix, Table of Penalties 7 – Conduct which is generally criminal, infamous, dishonest, immoral or notoriously disgraceful.
3. EPA Order 3120.1, Appendix, Table of Penalties 16 – Deliberate misrepresentation, falsification, concealment or withholding of a material fact.

Synopsis

This investigation developed sufficient evidence to support the allegation (b) (6), (b) (7)(C) omitted multiple details from (b) (6), (b) (7)(C) background investigation pertaining to disciplinary actions in (b) (6), (b) (7)(C) previous employment.

On September 8, 2017, this investigation was declined for criminal prosecution by the United States Attorney's Office, District of Columbia, for possible violations of 18 U.S.C. § 1001, False Statements.

Details

Investigation Disclosed Allegation Supported

Allegation: (b) (6), (b) (7)(C) omitted multiple details from (b) (6), (b) (7)(C) background investigation pertaining to disciplinary actions in (b) (6), (b) (7)(C) previous employment.

Allegation Findings: This investigation revealed evidence supporting the conclusion that (b) (6), (b) (7)(C) omitted several incidents involving disciplinary actions (b) (6), (b) (7)(C) received in (b) (6), (b) (7)(C) previous employment from (b) (6), (b) (7)(C) background investigation.

Allegation Investigative Results:

Prior Disciplinary Actions

Section 13 of (b) (6), (b) (7)(C) SF-86 covered previous federal employment. For all questions pertaining to previous employment on the SF-86, respondents are asked:

For this employment, in the last seven (7) years have you received a written warning, been officially reprimanded, suspended, or disciplined for misconduct in the workplace, such as a violation of security policy?

For (b) (6), (b) (7)(C) fourth and fifth previous positions listed, (b) (6), (b) (7)(C) answered "No." However, OI obtained information from an SF-50, *Notification of Personnel Action*, that disclosed that (b) (6), (b) (7)(C) had received a 20-day suspension in April 2009.

During the July 20, 2017, interview (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) attempted to provide an explanation in the additional comments portion of the SF-86 concerning the disciplinary action, but (b) (6), (b) (7)(C) additional comments did not appear on (b) (6), (b) (7)(C) submitted SF-86. (b) (6), (b) (7)(C) explained that (b) (6), (b) (7)(C) had attempted to upload (b) (6), (b) (7)(C) supporting notes describing the disciplinary situation (as a file attachment to (b) (6), (b) (7)(C) SF-86). (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) did not review or keep a PDF copy of (b) (6), (b) (7)(C) completed SF-86 once it had been uploaded. However, (b) (6), (b) (7)(C) was typing (b) (6), (b) (7)(C) responses on a Microsoft Word document and kept "contemporaneous notes" on the Word document about the SF-86. (b) (6), (b) (7)(C) provided the Reporting Agent with a photo of the Word document file properties of (b) (6), (b) (7)(C) contemporaneous notes [Exhibit 1].

The file properties show a Microsoft Office Word document titled "Equip Response 2015," created on December 12, 2015.

The Reporting Agent asked (b) (6), (b) (7)(C) to confirm that the Microsoft Word file titled "Equip Response 2015" was done contemporaneously while completing SF-86, and (b) (6), (b) (7)(C) replied "Yes." The Reporting Agent showed (b) (6), (b) (7)(C) the electronic signature form from SF-86 with the time date stamp and hash values [Exhibit 1]. The Reporting Agent then showed (b) (6), (b) (7)(C) the file properties provided earlier from the "Equip Response 2015" document. The Reporting Agent asked (b) (6), (b) (7)(C) to describe why the date (b) (6), (b) (7)(C) submitted SF-86 was December 1, 2015, but the file properties of the document "Equip Response 2015" showed it was created December 12, 2015. (b) (6), (b) (7)(C) could not explain why (b) (6), (b) (7)(C) typed notes were created 11 days after (b) (6), (b) (7)(C) electronically submitted SF-86.

In an attempt to corroborate (b) (6), (b) (7)(C) assertion that (b) (6), (b) (7)(C) had created a contemporaneous document, OI asked (b) (6), (b) (7)(C) would provide (b) (6), (b) (7)(C) personal computer so that the Word document (b) (6), (b) (7)(C) typed could be used to support (b) (6), (b) (7)(C) claim. (b) (6), (b) (7)(C) initially agreed and coordinated with (b) (6), (b) (7)(C) attorney for OI to examine the computer. On August 16, 2017, (b) (6), (b) (7)(C) agreed to meet with OI at the office of (b) (6), (b) (7)(C) attorney. During the meeting, (b) (6), (b) (7)(C) did not consent to having (b) (6), (b) (7)(C) laptop, USB drive, or a copy of the Microsoft Word file containing (b) (6), (b) (7)(C) "contemporaneous notes" forensically imaged [Exhibit 2].

(b) (6), (b) (7)(C) was interviewed again on November 29, 2017, and during this interview (b) (6), (b) (7)(C) acknowledged receiving an additional 30-day suspension for conduct unbecoming a federal employee in January 2010. OI became aware of this additional suspension from documents and SF-50s provided by the (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) did not agree with the discipline (b) (6), (b) (7)(C) further stated (b) (6), (b) (7)(C) was not attempting to conceal it but, rather (b) (6), (b) (7)(C) wanted to explain it in the additional comments that failed to upload with the submitted SF-86.

(b) (6), (b) (7)(C) stated during both interviews that (b) (6), (b) (7)(C) submitted SF-86 while at home. However, OI had confirmed from the submitted copy of (b) (6), (b) (7)(C) SF-86 and the National Background Investigations Bureau that the electronic SF-86 was submitted on December 1, 2015, at 12:47 PM [Exhibit 3]. It was explained to (b) (6), (b) (7)(C) during the interview on November 29, 2017, that (b) (6), (b) (7)(C) time and attendance records showed (b) (6), (b) (7)(C) reporting an 8-hour workday (non-telework) on that date [Exhibit 3]. (b) (6), (b) (7)(C) insisted that (b) (6), (b) (7)(C) submitted the SF-86 at home and not in (b) (6), (b) (7)(C) office and was unable to reconcile the conflict.

After the interview, (b) (6), (b) (7)(C) turned over (b) (6), (b) (7)(C) government-issued laptop to OI for forensic examination [Exhibit 4]. The forensic examination was unable to recover any files related to (b) (6), (b) (7)(C) SF-86 or contemporaneous notes. However, the forensic examination revealed the presence of the program CCleaner on (b) (6), (b) (7)(C) computer, which is used to securely delete files and registry information.

Interview with Office of Personnel Management Background Investigator

As part of the process to complete (b) (6), (b) (7)(C) background investigation, (b) (6), (b) (7)(C) was interviewed by an OPM background investigator. During the interview, (b) (6), (b) (7)(C) described a security-related incident that occurred while (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) email

account was “hacked” and had been receiving threatening and explicit emails (b) (6), (b) (7)(C) attempted to “find the culprits” who were doing this using (b) (6), (b) (7)(C) government-issued computer. However, an investigation by (b) (6), (b) (7)(C) and a computer forensics report concluded that (b) (6), (b) (7)(C) had posted a Craigslist ad soliciting sex and also seeking a sexual encounter with a couple. During the interview with OI in November 2017, (b) (6), (b) (7)(C) did not intend to conceal anything from the OPM investigator. (b) (6), (b) (7)(C) resigned from (b) (6), (b) (7)(C) position on (b) (6), (b) (7)(C) 2011, after receiving a proposal to indefinitely suspend him from pay and position on (b) (6), (b) (7)(C) 2011 [Exhibit 3]. (b) (6), (b) (7)(C) was subsequently hired by the EPA on (b) (6), (b) (7)(C) 2011.

Disposition

This Report of Investigation is being issued to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) EPA, for administrative remedies or actions deemed appropriate.

SECTION B – ENTITIES AND INDIVIDUALS

Name of Person: (b) (6), (b) (7)(C)
Title & Company: (b) (6), (b) (7)(C)
Role: Subject
Business Address: 1200 Pennsylvania Avenue, NW, Washington, D.C. 20004
Business Phone: (b) (6), (b) (7)(C)
EPA Employee: Yes

SECTION C – PROSECUTIVE STATUS

On September 8, 2017, this matter was declined for criminal prosecution by the United States Attorney’s Office, District of Columbia. The matter was presented for the violation of 18 U.S.C. § 1001, False Statements.

EXHIBITS

1. MOI- (b) (6), (b) (7)(C) July 20, 2017
2. MOA-Attorney Meeting, August 16, 2017
3. MOI- (b) (6), (b) (7)(C) November 29, 2017
4. MOA-OI Forensic Report



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVENUE, NW
WASHINGTON DC 20004

DATE: NOVEMBER 6, 2017

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-HQ-2017-CCR-0142

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C) GSA CONTRACTOR

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON, DC	

COMPLAINT:

On August 17, 2017, Special Agent (SA) (b) (6), (b) (7)(C) Office of Professional Responsibility (OPR), Office of Investigations (OI), Office of Inspector General (OIG), U.S. Environmental Protection Agency (EPA), was tasked by Assistant Inspector General of Investigations (AIGI) Patrick Sullivan (Sullivan) to look into an unauthorized entry into the OIG's Washington Field Office's (WFO) (b) (7)(E). The incident took place during the evening hours of August 15, 2017, or early morning hours of August 16, 2017 by (b) (6), (b) (7)(C)

BACKGROUND:

(b) (6), (b) (7)(C), Facilities Management and Services Division (FMSD), Office of Administration and Resource Management (OARM), EPA informed agents that this matter was first reported to (b) (6), (b) (7)(C) from (b) (6), (b) (7)(C) FMSD, OARM, EPA during the morning of August 17, 2017. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was made aware of the breach by (b) (6), (b) (7)(C) OI, OIG, EPA. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) informed (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) sent (b) (6), (b) (7)(C) an email on August 17, 2017 at approximately 7:18 AM notifying (b) (6), (b) (7)(C) that it appeared someone may have entered the OIG space. (b) (6), (b) (7)(C) stated that on August 17, 2017, at approximately 9:00 AM, (b) (6), (b) (7)(C) emailed (b) (6), (b) (7)(C) OI, OIG, EPA, informing (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) was looking into the breach. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) is

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(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C) stated (b) (6), (b) (7) was in the WFO workspace sometime between August 15, 2017 at 10 PM and August 16, 2017, at 2AM, to ensure there were no obstructions in areas where contractor work was to be performed. (b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C) informed agents that (b) (6), (b) (7) did not know it was the (b) (7)(E) and did not intentionally break into the room. (b) (6), (b) (7)(C) informed agents (b) (6), (b) (7) did not remove, alter or tamper with (b) (7)(E)

INVESTIGATIVE FINDINGS:

EPA OIG special agents conducted interviews with the necessary employees. The interviews revealed a (b) (7)(E)

The investigation revealed there was no criminal wrongdoing in this matter.

RECOMMENDATION:

The investigation revealed that the allegation of an intrusion into the (b) (7)(E) is supported, however the misconduct was not criminal in nature. WFO reported there was no indication (b) (6), (b) (7)(C) tampered with or removed (b) (7)(E)

On December 27, 2017, (b) (6), (b) (7)(C), OI, OIG, was emailed a copy of this report as record of management notification. This case is recommended for closure with no further investigatory action.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE., NW
WASHINGTON, DC 20004

DATE: OCTOBER 22, 2018

PREPARED BY: SA (b) (6), (b) (7)(C)

COMPLAINT#: OI-HQ-2017-THT-0140 **CROSS REFERENCE #:**

TITLE: (b) (6), (b) (7)(C), GS-14, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	Washington D.C.	

VIOLATIONS:

1. DC Code § 22-3133: Stalking
2. DC Code § 22-407: Threats to do bodily harm
3. EPA ORDER 3120.1 – Appendix-Guidance on Corrective Discipline, Table of Offense and Penalties: (8). Abusive or offensive language, gestures, or other conduct.
4. EPA ORDER 3120.1 – Appendix-Guidance on Corrective Discipline, Table of Offense and Penalties: (11). Using Government property or Government employees in duty status for other than official purposes.

ALLEGATION:

On August 7, 2017, the Office of Investigations (OI), Office of Inspector General (OIG), Environmental Protection Agency (EPA), received information that on August 5, 2017, a EPA Employee received an envelope at (b) (6) personal residence from another EPA employee via the United States Postal Service, which contained perceived threatening images.

FINDINGS:

On August 9, 2017, the (b) (7)(E) August 1, 2017 at approximately 1:40 pm, was mailed out of the Ben Franklin Post Office, located inside the William Jefferson Clinton EPA North Building. (b) (7)(E) photos show a person who was later identified as (b) (6), (b) (7)(C) at the post office counter with the envelope that (b) (6) mailed to the personal residence of another EPA employee.

On August 10, 2017, OIG special agents (b) (6), (b) (7)(C) who

admitted to marking-up the pictures and mailing them to the personal residence of another EPA Employee.

DISPOSITION:

On October 17, 2017, OIG special agents delivered a Report of Investigation to the (b) (6), (b) (6), (b) (7)(C), EPA for any administrative remedies or actions as deemed appropriate.

On October 2, 2018, OIG special agents received a settlement agreement between (b) (6), and the Agency that indicated (b) (6), (b) (7) agreed to a 90-calendar day suspension.

Based upon the fore-mentioned information, the allegation that (b) (6), (b) (7) mailed the envelope containing the perceived threatening images to the personal residence of another EPA Employee is "SUPPORTED". As such, there are no further investigative steps to be taken and this complaint is recommended for closure.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE., NW
WASHINGTON, DC 20004

OCT 16 2017

MEMORANDUM

SUBJECT: (b) (6), (b) (7)(C) GS-14, (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

FROM: Patrick Sullivan, Assistant Inspector General for Investigations

TO: (b) (6), (b) (7)(C)

REFERENCE: OIG Case #: OI-HQ-2017-THT-0140

RESTRICTED INFORMATION

The U.S. Environmental Protection Agency (EPA), Office of Inspector General (OIG) initiated this investigation based on a perceived threat that was directed at an EPA employee. This Report of Investigation specifically focuses on (b) (6), (b) (7)(C) GS-14, (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

The enclosed Report of Investigation details two allegations that were investigated by the OIG. Both allegations were found to be supported.

My office is taking no further investigatory action in this matter; however, in order that we may satisfy our reporting requirement to Congress and the Administrator, please advise this office within 30 days of receipt of this report of investigation the administrative action taken or proposed by you in this matter, if any. This report of investigation is "For Official Use Only" and its disclosure to unauthorized individuals is prohibited. Portions of it may be used by appropriate officials for administrative action. Please return this report after your review of this matter is completed.

ATTACHMENT:

Report of Investigation

RESTRICTED INFORMATION

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
1301 CONSTITUTION AVE, NW
WASHINGTON, DC 20004

REFERRAL REPORT OF INVESTIGATION

(b) (6), (b) (7)(C) GS-14 (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

OI-HQ-2017-THT-0140

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Distribution:

(b) (6), (b) (7)(C)

With Attachments

(b) (6), (b) (7)(C)

With Attachments

Submitted by:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

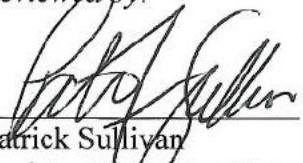
Special Agent
Office of Investigations

Approved by:

(b) (6), (b) (7)(C)

Special Agent in Charge
Office of Investigations

Reviewed by:


Patrick Sullivan
Assistant Inspector General
Office of Investigations

Contents of this report and/or its exhibits may contain personally identifiable information (PII), to include sensitive PII (SPII) protected by the Privacy Act, and is subject to the EPA Policy on PII and SPII. As such, please follow the agency's policy on PII and SPII, to include ensuring that this report and exhibits are properly safeguarded.

OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CASE NO.:	OI-HQ-2017-THT-0140	DATE OPENED:	08/07/2017
CASE TITLE:	(b) (6), (b) (7)(C), GS-14, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) [REDACTED]	CASE AGENT(s):	(b) (6), (b) (7)(C)
CASE CATEGORY:	EMPLOYEE MISCONDUCT	OFFICE:	OFFICE OF PROFESSIONAL RESPONSIBILITY
JOINT AGENCIES:	NONE	JURISDICTION:	DISTRICT OF COLUMBIA, WASHINGTON, DC

SECTION A - NARRATIVE

Introduction

On August 7, 2017, the Office of Investigations (OI), Office of Inspector General (OIG), Environmental Protection Agency (EPA), received information that on August 5, 2017, (b) (6), (b) (7)(C) [REDACTED] received an envelope at (b) (6), (b) (7)(C) personal residence, via the United States Postal Service, which contained images (b) (6), (b) (7)(C) perceived as threatening. [Exhibit 1] Based on the complaint, my office conducted an investigation to determine who sent the envelope to (b) (6), (b) (7)(C) personal residence containing the perceived threatening images.

Our investigation revealed there is sufficient evidence to support the finding that (b) (6), (b) (7)(C) [REDACTED] EPA, sent the envelope containing the perceived threatening images to the personal residence of (b) (6), (b) (7)(C) [REDACTED]. Specifically, during an interview with OIG special agents (b) (6), (b) (7)(C) [REDACTED] admitted to sending the envelope, which contained three photographs. Two of the photographs were of (b) (6), (b) (7)(C) [REDACTED] with horns drawn on (b) (6), (b) (7)(C) [REDACTED] head. The third photograph was of a deceased former EPA employee (b) (6), (b) (7)(C) [REDACTED] rationales for sending the envelope was that it was a joke and retaliation for how (b) (6), (b) (7)(C) [REDACTED] had been treated by (b) (6), (b) (7)(C) [REDACTED].

Based upon the foregoing information, as well as additional information independently obtained during the course of the investigation, the OIG identified and investigated the following allegations related to (b) (6), (b) (7)(C) [REDACTED]

1. (b) (6), (b) (7)(C) [REDACTED] mailed the envelope containing the perceived threatening images to the personal residence of (b) (6), (b) (7)(C) [REDACTED]

2. (b) (6), (b) (7)(C) used (b) (6), (b) (7)(C) EPA computer and an EPA printer to type and print the labels that (b) (6), (b) (7)(C) placed on the envelope and mailed to (b) (6), (b) (7)(C)

Possible Violation(s)

1. DC Code § 22-3133: Stalking
2. DC Code § 22-407: Threats to do bodily harm
3. EPA ORDER 3120.1 – Appendix-Guidance on Corrective Discipline, Table of Offense and Penalties: (8). Abusive or offensive language, gestures, or other conduct.
4. EPA ORDER 3120.1 – Appendix-Guidance on Corrective Discipline, Table of Offense and Penalties: (11). Using Government property or Government employees in duty status for other than official purposes.

Synopsis

Based on information obtained during the investigation, allegations one and two are supported.

Details

Investigation Disclosed Allegations Supported

Allegation 1:

(b) (6), (b) (7)(C) mailed the envelope containing the perceived threatening images to the personal residence of (b) (6), (b) (7)(C)

Allegation 1 Finding:

There is sufficient evidence to support a finding that on August 1, 2017, (b) (6), (b) (7)(C) mailed the envelope containing the perceived threatening images to the personal residence of (b) (6), (b) (7)(C)

Allegation 1 Investigative Results:

On August 1, 2017 at approximately 1:40 p.m., an EPA envelope containing threatening images, specifically three photographs, was mailed to the personal residence of (b) (6), (b) (7)(C). On August 5, 2017, (b) (6), (b) (7)(C) received and opened the envelope and viewed three photographs: two were of (b) (6), (b) (7)(C) with horns drawn on (b) (6), (b) (7)(C) head and the third was of former EPA employee (b) (6), (b) (7)(C), who is deceased.

On August 7, 2017, OIG special agents conducted an interview of (b) (6), (b) (7)(C) who stated (b) (6), (b) (7)(C) found the photographs (b) (6), (b) (7)(C) received on Saturday, August 5, 2017, at (b) (6), (b) (7)(C) personal residence to be threatening.

On August 9, 2017, OIG special agents requested assistance (b) (7)(E)

(b) (6), (b) (7)(C) identified that the envelope was mailed on August 1, 2017 at approximately 1:40 pm from the Ben Franklin Post Office, 1200 Pennsylvania Ave NW, Washington, DC 20004, which is located inside the William Jefferson Clinton EPA North Building (b) (7)(E)

(b) (6), (b) (7)(C) The photos show a person who was later identified as (b) (6), (b) (7)(C) at the post office counter with the envelope that was mailed to (b) (6), (b) (7)(C) [Exhibit 2]

On August 10, 2017, both (b) (6), (b) (7)(C) EPA, and (b) (6), (b) (7)(C) EPA, identified the person at the Post Office as (b) (6), (b) (7)(C) to OIG special agents. [Exhibit 3]

On August 10, 2017, OIG special agents conducted (b) (6), (b) (7)(C) who admitted to marking-up the pictures and mailing them to (b) (6), (b) (7)(C) personal residence. (b) (6), (b) (7)(C) was asked about the photograph of the deceased EPA employee; (b) (6), (b) (7)(C) responded that the photograph of the deceased (b) (6), (b) (7)(C) was stored on (b) (6), (b) (7)(C) work computer. When OIG special agents asked (b) (6), (b) (7)(C) why (b) (6), (b) (7)(C) mailed the envelope, (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) threatened (b) (6), (b) (7)(C) and said bad things about (b) (6), (b) (7)(C) in meetings (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) did not intend to harm (b) (6), (b) (7)(C) and believed this was a joke. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) used (b) (6), (b) (7)(C) personal cell phone to retrieve (b) (6), (b) (7)(C) address. (b) (6), (b) (7)(C) retrieved an old EPA envelope from the recycling bin and then mailed the envelope from the post office. [Exhibit 4]

(b) (6), (b) (7)(C), (b) (7)(E)

[Exhibit 5]

Allegation 2:

(b) (6), (b) (7)(C) used (b) (6), (b) (7)(C) EPA computer and an EPA printer to type and print the labels that (b) (6), (b) (7)(C) placed on the envelope and mailed to (b) (6), (b) (7)(C)

Allegation 2 Findings:

There is sufficient evidence to support a finding that (b) (6), (b) (7)(C) used (b) (6), (b) (7)(C) EPA computer and an EPA printer to type and print the labels that (b) (6), (b) (7)(C) placed on the envelope and mailed to (b) (6), (b) (7)(C)

Allegation 2 Investigative Results:

On August 10, 2017, OIG special agents conducted an (b) (6), (b) (7)(C) who admitted to marking-up the pictures and mailing them to (b) (6), (b) (7)(C) personal residence. (b) (6), (b) (7)(C) was asked about the photograph of the deceased EPA employee; (b) (6), (b) (7)(C) responded that the photograph of the deceased (b) (6), (b) (7)(C) was stored on (b) (6), (b) (7)(C) work computer. When OIG special agents asked (b) (6), (b) (7)(C) why (b) (6), (b) (7)(C) mailed the envelope, (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) threatened (b) (6), (b) (7)(C) and said bad things about (b) (6), (b) (7)(C) in meetings (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) did not intend to harm (b) (6), (b) (7)(C) and believed this was a joke. (b) (6), (b) (7)(C) stated that during (b) (6), (b) (7)(C) lunch period, (b) (6), (b) (7)(C) used (b) (6), (b) (7)(C) EPA work computer and printer to type and print the labels for the envelope. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) used (b) (6), (b) (7)(C) personal cell phone to retrieve (b) (6), (b) (7)(C) address. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) retrieved an old EPA envelope from the recycling bin and used this envelope to mail the photos to (b) (6), (b) (7)(C)

Disposition

This Report of Investigation is being referred to (b) (6), (b) (7)(C) EPA for any administrative remedies or actions as deemed appropriate.

SECTION B – ENTITIES AND INDIVIDUALS

Name of Person: (b) (6), (b) (7)(C)
Title & Company: (b) (6), (b) (7)(C)
 EPA
Role: Subject
Business Address: 1301 Constitution Avenue
 Washington, DC 20460
Business Phone: (b) (6), (b) (7)(C)
EPA Employee: Yes

SECTION C – PROSECUTIVE STATUS

This case was presented to the Felony Major Crimes Trial Section, United States Attorney's Office (USAO) for the District of Columbia, for potential criminal violations of the DC Code § 22-3133: Stalking and § 22-407: Threats to do bodily harm. On August 22, 2017, the USAO declined prosecution of (b) (6), (b) (7)(C) (b) (5), (b) (7)(E)

EXHIBITS

EXHIBIT	DESCRIPTION
1.	Memorandum of Interview – (b) (6), (b) (7)(C) - AUG2017
2.	Memorandum of Activity – (b) (7)(E) [REDACTED]
3.	Memorandum of Interview – (b) (6), (b) (7)(C), dated 10AUG2017
4.	Memorandum of Interview – (b) (6), (b) (7)(C), dated 10AUG2017
5.	Memorandum of Activity– (b) (7)(E) [REDACTED]



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

1301 CONSTITUTION AVE, NW
WASHINGTON, DC 20004

DATE: MARCH 29, 2019

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-HQ-2018-ADM-0082

CROSS REFERENCE #: N/A

TITLE: PRUITT, E. SCOTT; POLITICAL APPOINTEE, ADMINISTRATOR, OA, EPA

CASE CLOSING REPORT

Subject(s)	Location	Other Data
Administrator Scott Pruitt	Washington, DC	N/A

ALLEGATIONS:

On April 9, 2018, the Office of Investigations (OI), Office of Inspector General, Environmental Protection Agency (EPA), received a memorandum from Kevin Minoli (Minoli), Principal Deputy General Counsel and Designated Agency Ethics Official, EPA. The memorandum, dated April 6, 2018, was issued by the United States Office of Government Ethics and addressed to Minoli. Pursuant to this memorandum, a case was opened to administratively investigate the following allegation: Did Administrator Pruitt have subordinates at the EPA assist him in finding personal housing.

On June 7, 2018, OI expanded the investigation to include the following allegations; (1) Did Administrator Pruitt use his official position and EPA staff to seek a “business opportunities” for his wife; (2) Did Administrator Pruitt enlist subordinates at the EPA secure a mattress for his personal use; and (3) Did Administrator Pruitt have his security detail run personal errands for him.

FINDINGS:

All allegations are deemed inconclusive. Administrator Pruitt resigned from the EPA prior to the conclusion of the investigation; therefore, was no longer subject to the administrative Standards of Conduct.

DISPOSITION:

Based upon the aforementioned, there are no further investigative steps and this investigation is recommended for closure.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE., NW
WASHINGTON, DC 20004

DATE: JUNE 28, 2018

PREPARED BY: (b) (6), (b) (7)(C)

CASE #: OI-HQ-2018-CCR-0065

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C) UNAUTHORIZED ACCESS TO RRB EPA SPACE

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON, DC	

VIOLATION:

Unauthorized access to EPA office space located in the Ronald Reagan Building, Washington, DC

Unlawful Entry on property (DC Criminal Code 22-3302)

ALLEGATION:

On March 7, 2018, the Office of Investigations (OI), Office of Inspector General (OIG), U.S. Environmental Protection Agency (EPA), received information that an unknown individual may have accessed the EPA secure area of the Ronald Reagan Building (RRB), Washington, DC. Specifically, EPA employees of the Chief Financial Officer, conducted a meeting on the (b) (6), (b) (7)(C) of the RRB and later identified a non-EPA employee in the meeting. The non-EPA employee's name was later identified as (b) (6), (b) (7)(C)

FINDINGS:

There was sufficient evidence to support the allegation that on March 6, 2018, (b) (6), (b) (7)(C) gained unauthorized access to EPA office space located on the (b) (6), (b) (7)(C) of the RRB. On March 8, 2018, (b) (6), (b) (7)(C) was interviewed by a special agent of the EPA OIG, and a special agent of the Federal Protection Service, Department of Homeland Security. During the interview, (b) (6), (b) (7)(C) admitted to gaining access to the EPA office space while attending a free conference hosted by the Microsoft Corporation at the RRB. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) left the conference area in the RRB because (b) (6), (b) (7)(C) got bored. (b) (6), (b) (7)(C), (b) (7)(E)

Among other details, (b) (6), (b) (7)(C) was escorted to the RRB by the special agents, where (b) (6), (b) (7)(C) provided a walk-through and specifics of how (b) (6), (b) (7)(C) gained entry to the EPA secure office space. (b) (6), (b) (7)(C), (b) (7)(E)

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(b) (6), (b) (7)(C), (b) (7)(E)

DISPOSITION:

On March 8, 2018, a Bar Notice was issued for (b) (6), (b) (7)(C) by FMSD, as a result of the investigative work conducted by OI and FMSD.

On March 8, 2018, FMSD drafted an "Order Not to Enter" for (b) (6), (b) (7)(C) as a result of the investigative work conducted by OI and FMSD. On March 9, 2018, during the recorded interview with (b) (6), (b) (7)(C) OIG special agents issued the Order Not to Enter to (b) (6), (b) (7)(C) which (b) (6), (b) (7)(C) signed.

On March 8, 2018, OIG special agents consulted with the United States Attorney Office (USAO) for the District of Columbia regarding unlawful entry on property, DC Criminal Code 22-3302. The Assistant United States Attorney for the Misdemeanor Section indicated (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

Based upon the foregoing, there are no further investigative steps to be taken and this case is recommended for closure.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE., NW
WASHINGTON, DC 20004

DATE: MARCH 20, 2018

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-HQ-2018-PFD-0038

CROSS REFERENCE #:

TITLE: UNCONSCIOUS EPA EMPLOYEE FOUND IN RESTROOM IN THE WJC NORTH BUILDING ROOM 5020

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON D.C.	DECEASED EPA EMPLOYEE

VIOLATIONS: NONE

SUMMARY:

On (b) (6), (b) (7)(C) 2017, at approximately 4:59 p.m. Eastern Standard Time (EST), (b) (6), (b) (7)(C)

Office of Investigations (OI), Office of Inspector General (OIG), received a phone call from Patrick Sullivan, Assistant Inspector General for Investigations, OI, OIG, EPA, requesting OPR agents respond to room 5020, William Jefferson Clinton, North building, EPA, in regards to a report of an unconscious EPA female employee found outside of that location. When OPR agents arrived, uniform officers from the Federal Protective Service (FPS) and the Metropolitan Police Department (MPD) were already on scene. Based on a consultation with the responding MPD Homicide Detective and FPS Special Agent, the reporting agent received information that the unconscious employee was identified as (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) EPA. The District of Columbia Fire Department (DCFD), Medic Unit 2 responded to the scene. DCFD contacted (b) (6), (b) (7)(C) at George Washington University Hospital MedStar based on the DCFD Termination of Resuscitation protocol. At 4:17pm, (b) (6), (b) (7)(C) pronounced that (b) (6) was deceased.

DISPOSITION:

On March 19, 2018, the EPA, OIG, OPR, was notified that the Medical Examiner for the District of Columbia ruled that the cause of death for (b) (6) was Natural-Systemic Sarcoidosis with Hypertensive Cardiovascular Disease as contributing Conditions.

Based upon the foregoing, there are no further investigative steps to be taken and this case is recommended for closure.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

DATE: October 02, 2018

PREPARED BY: (b) (6), (b) (7)(C)

CASE #: OI-HQ-2018-THT-0032

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

EPA

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON, DC	

VIOLATION(S): 18 U.S. Code § 875 – Interstate Communications

ALLEGATION: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) Environmental Protection Agency (EPA), made threatening comments about female co-workers on multiple social media platforms, specifically multiple Facebook Pages.

FINDINGS: Special Agent (SA) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) Office of Investigations (OI), Office of Inspector General (OIG), EPA, opened an investigation into the matter at the direction of (b) (6), (b) (7)(C) OI, OIG, EPA. SA (b) (6), (b) (7)(C) conducted a review of the Facebook postings and interviewed (b) (6), (b) (7)(C) with (b) (6), (b) (7)(C) lawyer present. In the interview, (b) (6), (b) (7)(C) admitted to the Facebook postings, but stated that (b) (6), (b) (7)(C) did not mean to scare anyone, nor did (b) (6), (b) (7)(C) ever intend to cause physical harm to any of (b) (6), (b) (7)(C) co-workers.

DISPOSITION: The facts of a threat investigation under 18 U.S. Code § 875 - Interstate communications, regarding the actions of (b) (6), (b) (7)(C) were presented to Elisabeth Dewar (Dewar), Assistant United States Attorney (AUSA), Special, National Security Section, Criminal Division, United States Attorney's Office (USAO) for the District of Columbia (DC), Department of Justice. AUSA Dewar, declined prosecution in the (b) (6), (b) (7)(C) investigation, because (b) (6), (b) (7)(C), (b) (5), (b) (7)(E)

Based upon the aforementioned, there are no remaining investigative steps and this investigation is recommended for closure with no further action. Should new information become available, the EPA-OIG retains the right to re-open the investigation.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVENUE, NW
WASHINGTON DC 20004

DATE: August 13, 2018

PREPARED BY: (b) (6), (b) (7)(C)

CASE #: OI-HQ-2018-AFD-0112

CROSS REFERENCE #: N/A

TITLE: ELKINS, ARTHUR, SES, WASHINGTON, DC

CASE SUMMARY REPORT

Subject(s)	Location	Other Data
N/A	Washington, DC	N/A

COMPLAINT: Inspector General Elkins reported that his EPA OIG badge and credential were missing.

INVESTIGATIVE FINDINGS: After a thorough search of his residence and other areas were met with negative results. Also, the last known hotel where the IG stayed, room safe and lost and found were checked with negative results. The missing badge and credential was entered into NCIC.

RECOMMENDATION: No further investigative action is necessary and this case is recommended for closure. IG Elkins will be issued a new badge and credential.

RESTRICTED INFORMATION

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